

To: Ferguson, Lincoln[ferguson.lincoln@epa.gov]
Cc: Arthur, Holly[harthur@cement.org]; Schon, Michael[mschon@cement.org]
From: Derby, Rachel
Sent: Wed 5/3/2017 7:55:02 PM
Subject: RE: Remarks Needed - Portland Cement Association - May 9
PCA Backgrounder 20161 (002).docx
OzoneBriefingSheet 2017 FINAL.PDF

Hi Lincoln,

Thanks for serving as the POC along with Millan! We appreciate you taking the time to speak with us today to go over Administrator Pruitt's remarks.

As noted, I will serve as the POC on Monday and Tuesday. Please email or text when you are on the way and I will meet you in the lobby: Ex. 6 - Personal Privacy The location is the Washington Marriott at Metro Center: 775 12th St NW, in the Salon Room AB. When you arrive on Tuesday at ~ 12:20PM I will plan for your boss to be seated at the front table with PCA's President, Jim Toscas and Government Affairs Chairman and **LafargeHolcim** CEO, John Stull. Below is some more info on John, he will be introducing your boss.

John Stull, the Chief Executive Officer US Cement for **LafargeHolcim**. He had previously been CEO United States for Lafarge since January 2012. After spending five years working for National Refractories and FMC, he joined Lafarge North America in 1992. Following a series of senior posts in operations and manufacturing, he was appointed President River Region in 2002. In 2006 he became Group Senior Vice President Marketing & Supply Chain. In 2008 he was named Regional President Latin America, and then in 2009 Regional President Sub-Saharan Africa. Born in 1960, John Stull is an American national. He holds a Bachelor's degree in Chemical Engineering from the University of Akron, studied business at Bowling Green State University in Ohio, and has an Advanced Management diploma from the Harvard Business School.

As far as remarks for the Administrator, I have attached a short background on PCA and our environmental/regulatory work that may help with drafting. As noted on the call, the Portland Cement NESHAP is currently undergoing Residual Risk and Technology Review (RTR). PCA members have recently completed 100s of millions of dollars in investment for the September 2015 and September 2015 Portland Cement NESHAP compliance deadlines. However, EPA is working under a consent decree to propose an RTR rule later this year. While we don't expect the Administrator to be heavily involved

in this rule, it's one that our members are concerned about and it wouldn't be surprising if he sees a question or two on it. It is also noteworthy to mention that on Wednesday, May 10th we will be up on the Hill advocating for changes to regulation of ozone. I have attached the one-pager, this is more as an FYI. As Mike mentioned on the phone the other issues are more of interest.

As far as press goes, it seems as though we are all on the same page for a press plan. I have copied Holly Arthur on this email so you two can directly coordinate on the press release. For quick reference her email is: harthur@cement.org and her cell is:

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Finally, on Friday we will send over some Questions that we anticipate the audience to ask so you can also include those in your briefing book for the Administrator. If you need anything in the meantime please do not hesitate to reach out.

Thanks again for everything!

Best,

Rachel

Rachel Derby

Vice President of Government Affairs

Portland Cement Association

Mobile: Ex. 6 - Personal Privacy

From: Ferguson, Lincoln [mailto:ferguson.lincoln@epa.gov]

Sent: Wednesday, May 03, 2017 10:17 AM

To: Derby, Rachel <RDerby@cement.org>; Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: Remarks Needed - Portland Cement Association - May 9

Yes, 11:45 is great! (202) 564-1935- or Ex. 6 - Personal Privacy

Thanks!

From: Derby, Rachel [<mailto:RDerby@cement.org>]
Sent: Wednesday, May 3, 2017 10:11 AM
To: Hupp, Millan <hupp.millan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: Remarks Needed - Portland Cement Association - May 9

Thanks Millan! It was wonderful to talk to you earlier today too. I am looking forward to meeting you in person on Monday!

Lincoln- Can we give you a call around 11:45? Does that work for you?

Many Thanks,

Rachel Derby

Vice President of Government Affairs

Portland Cement Association

Mobile: Ex. 6 - Personal Privacy
Direct: Ex. 6 - Personal Privacy

From: Hupp, Millan [<mailto:hupp.millan@epa.gov>]
Sent: Wednesday, May 03, 2017 9:44 AM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Derby, Rachel <RDerby@cement.org>
Subject: Remarks Needed - Portland Cement Association - May 9

Lincoln,

Please meet Rachel Derby. She is the POC for the Administrator's speaking engagement on Tuesday, May 9. She is hopeful to connect with you this week regarding talking points and press at this event. Her number is [Ex. 6 - Personal Privacy]

Please let me know how I may help further.

Thank you very much,

Millan Hupp

Office of the Administrator – Advance

Cell: [Ex. 6 - Personal Privacy] Email: hupp.millan@epa.gov

CEMENT & CONCRETE FLY-IN

WASHINGTON, D.C.

Regulation of Ozone Under the Clean Air Act

Background:

Under the National Ambient Air Quality Standards (NAAQS) program, the U.S. Environmental Protection Agency (EPA) sets air quality levels that it deems necessary to protect the public health and welfare. States then issue State Implementation Plans (SIPs) that put measures in place to improve air quality in areas that do not meet the standards (nonattainment areas) or to maintain air quality in areas that do (attainment areas). These obligations are permanent and continue even after an area has achieved the NAAQS. EPA reviews the NAAQS every five years and revises the standards as needed.

Even though states are still working to attain the 2008 standards of 75 parts-per-billion (ppb), EPA lowered the ozone NAAQS to 70 ppb in 2015. If EPA moves forward with implementing the 2015 standards, states would face overlapping and redundant implementation requirements for the 2008 standards and the 2015 standards.

Independent analysis of EPA data indicates that if the 2015 standards are implemented on the regular timeline, more than 950 counties will be nonattainment areas. This would impose significant new regulatory requirements and barriers to economic development. This is unfortunate and unnecessary: EPA projects that even without new regulations, ozone levels across most of the country will be at or below 70 ppb in less than 10 years.

Legislation:

Companion bills have been introduced in both houses of Congress to address specific problems with the implementation schedule for the 2015 ozone NAAQS and to make much-needed changes to the NAAQS program as it applies to all regulated pollutants.

- *S. 263: The Ozone Standards Implementation Act of 2017*, introduced by Senator Shelley Moore Capito (R-WV), would extend implementation of the 2015 ozone NAAQS and make other necessary revisions to the NAAQS program, including lengthening the review cycle from five to ten years.
 - Current Status: Five original cosponsors support S. 263, which was introduced on February 1, 2017. This bill was referred to the Committee on Environment and Public Works.
- *H.R. 806: The Ozone Standards Implementation Act of 2017*, introduced by Representative Pete Olson (R-TX) on February 1, 2017, would make the same revisions as S. 263.
 - Current Status: The bill now has the bipartisan support of 21 cosponsors. The House Energy and Commerce subcommittee on environment and the economy held a hearing on the bill on March 22, 2017.

Contact Information:

Rachel Derby
Vice President,
Government Relations

Ex. 6 - Personal Privacy

rderby@cement.org

CEMENT & CONCRETE FLY-IN

WASHINGTON, D.C.

PCA Priorities:

PCA supports the following priorities within the *Ozone Standards Implementation Act of 2017*:

Extend the Implementation Schedule for the 2015 Ozone NAAQS: The nation's air quality has greatly improved since the adoption of the Clean Air Act. In fact, ozone levels have fallen 33 percent since 1980. However, forcing states to implement the 2015 NAAQS before the benefits of the 2008 standards are realized is unnecessarily punitive. In fact, EPA's own data show that by 2025, even without new regulations, most of the country will have ozone concentrations lower than 70 ppb.

Revise the NAAQS Review Process to Eliminate Future Overlapping NAAQS Schedules for Ozone and Other Pollutants: The problems with implementing the NAAQS are not unique to ozone. The current five-year review cycle for NAAQS is too short and results in overlapping requirements for existing and new standards. In many cases, this unnecessarily penalizes communities as they work to lower emissions.

Action Requested:

Senate Action Requested: Senators should support the markup and passage of S. 263 by the Committee on Environment and Public Works and then the full Senate.

House Action Requested: Members should support the markup and passage of H.R. 806 by the Energy and Commerce Committee and then the full House. Members should also support the inclusion of appropriations language that would push back implementation of the 2015 ozone NAAQS.

To: Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Jack Gerard, API
Sent: Thur 11/2/2017 1:28:37 PM
Subject: Regulatory Certainty on Ozone Can Protect U.S. Competitiveness

[Click to view this email in a browser](#)



November 2, 2017

Dear Lincoln,

The combined emissions of six key air pollutants dropped 73 percent between 1970 and 2016, according to the Environmental Protection Agency's latest annual air quality report, and ground level ozone levels have decreased 17 percent since 2005. All this occurred during a time of significant economic growth, and these are achievements we all can and should be proud of since it is the result of the combined efforts of states, counties and industry to reduce air emissions.

Congress can ensure continued environmental and economic progress by implementing reforms to ozone regulations that eliminate duplicative regulatory requirements. In simple terms, EPA issued new ozone regulations in 2015 before its existing 2008 regulations –*the strictest in history* – had been fully implemented. That is leaving states in the costly position of attempting to comply with two competing sets of ozone regulations.

To understand how important reform is, take a look at the long and varied list of 303 organizations that wrote a letter explaining the economic impact of dueling standards that, in some cases, require states to achieve ozone levels approaching or below naturally occurring levels of ozone. The coalition includes local governments, chambers of commerce, businesses, and associations representing: manufacturers, construction workers, energy producers, dairy farmers, cattlemen, auto dealers, truckers, timber producers, restaurant and hospitality groups, poultry producers, convenience stores, engineers, grocers, retailers, and many others.

Here's what they had to say:

"If implemented, EPA's stringent ozone standards could limit business expansion in many areas of the United States and risk the ability of U.S. companies to create new jobs. The standards add red tape to companies seeking to grow even in areas that can attain those standards. ... Increased costs associated with restrictive and expensive permit requirements could likely deter companies from siting new facilities in a nonattainment area, making the United States a less attractive place to do business and risking shipping jobs overseas."

The fact is, the strict 2008 ozone standards are working and will continue to reduce ozone concentrations. A House-passed bill would help cut the red tape and provide the regulatory certainty that states need to keep reducing ozone emissions without hurting job growth. The Ozone Standards Implementation Act of 2017, approved in the House earlier this year, recognizes ongoing state efforts to improve air quality, would reduce onerous requirements and facilitate the ability of businesses to expand operations and create jobs, while including other reforms that bring more regulatory certainty to federal air quality standards.

With Congress focused on tax reform and other budget issues, ozone regulatory reform fits right in as a policy priority with major economic implications for the entire nation. We urge the

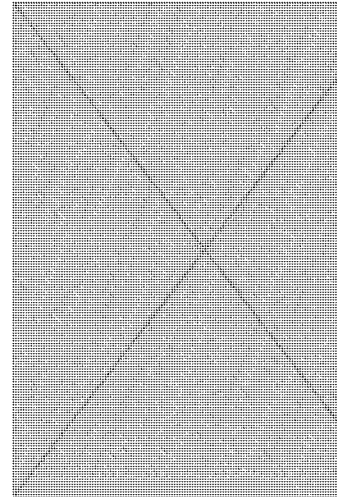
Senate to join the House in passing commonsense ozone regulatory reform.

Sincerely,

Jack N. Gerard
President & CEO
API

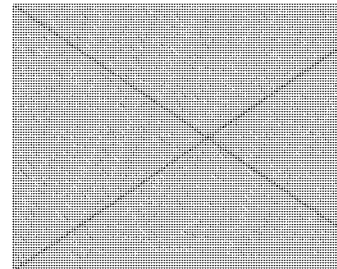
Offshore Development: Safety above All Else

Keeping our workforce safe is just one area of continuously improving safety that the natural gas and oil industry works hard on every day. One area where the industry brings a keen focus is the safety of offshore operations. [Learn more about the regulations, safety practices, technology and environmental management systems](#) that keep offshore production safe.



Follow our Blog to stay up-to-date

To stay up-to-date on the latest energy-related news, there is no better place to check than the [Energy Tomorrow Blog](#).



About API:

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation's energy and are backed by a growing grassroots movement of more than 40 million Americans.

To learn more about API and the value of oil and natural gas, please visit API.org.

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Jack Gerard, API
1220 L Street, NW
Washington, DC 20005
US

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To: Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Derby, Rachel
Sent: Mon 5/8/2017 12:38:26 PM
Subject: RE: Remarks Needed - Portland Cement Association - May 9
Questions for Administrator Pruitt.docx

Good Morning Lincoln,

Just checking in to make sure you are set. I have also attached questions to this email that you can anticipate. If there are any you do not like, please let me know.

Thanks,

Rachel

Ex. 6 - Personal Privacy

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Please let me know how I may help further.

Thank you very much,

Millan Hupp

Office of the Administrator – Advance

Cell: Ex. 6 - Personal Privacy Email: hupp.millan@epa.gov

Potential Questions for Administrator Pruitt

1. I'd like to raise a question about the permitting process. As you know, our industry is heavily regulated. We recognize the importance of these regulations and securing permits, and we take compliance very seriously. One constant frustration that we face is the length of time that it takes for permit review and renewal. It can now take several years to complete the permit process, particularly for PSD. A very important step in the process is for the state agencies, who are ultimately responsible for permitting decisions, to issue draft permits that trigger deadlines for EPA consideration. We often find that the state agencies are reluctant to issue draft permits until after EPA regional staff have reviewed and approved the drafts. This delays the process and makes the state permit writers reluctant to make their own decisions. We believe EPA should defer to the states and hold off review until after draft permits are issued by the states. Further, EPA staff should be directed to defer to the states' decisions unless they clearly conflict with federal policy. What we see now is a lot of second guessing and fear of second guessing. Do you anticipate taking efforts to help streamline EPA's oversight of the state permitting? Would you consider implementing guidance or regulations to make any reforms permanent?
2. We've read that you are evaluating dropping out the Paris Climate Accord. Many of our companies have international operations. Some argue that the United States' position and seat at the table in implementing the agreement is helpful as our companies develop global plans for meeting the Accord's objectives and respond to public concerns. Can you speak to the advantages you see to dropping out of the accord?
3. There's a lot of focus on cost benefit analyses in conversations about regulatory reform these days. EPA has had a long habit of looking at so called "co-benefits" when it calculates the benefits of a regulation. This often means that the Agency will count the secondary benefits of reducing another pollutant as a consequence of reducing the one a regulation is designed to address. Particulate matter is a big one that EPA counts the benefits for even though particulate matter is already covered by regulations specifically designed to protect the public from particulate emissions. Do you intend to change this practice?
4. EPA relies on guidance for many aspects of its work related to regulatory development. For example, risk assessments and other tools frequently rely on guidance documents, advisory councils and subjective tools that change from administration to administration. This can cause regulatory uncertainty. For example, even though our industry has spent 100s of millions of dollars coming into compliance with the Portland Cement NESHAP, the rule is undergoing a residual risk analysis that could lead to adjustment of the standards. Are you considering efforts to reduce the use of guidance and provide further avenues for long-term regulatory certainty?

5. Do you anticipate interagency collaboration on issues affecting the manufacturing sector? As you know, U.S. industry is subject to more stringent regulation than many of our international competition. Will there be avenues for EPA to work with other agencies, such as the Department of Commerce, who may consider border adjustments and other methods to address competition from products that come from countries with less significant environmental requirements than our own?
6. The Concrete Sustainability Hub at MIT has done a lot of research on better road building. One important area that they have demonstrated is the way pavement interacts with cars and trucks on the road can have a significant impact on fuel economy. For example, stiffer and smoother roads can improve efficiency depending on truck and car traffic patterns. MIT has developed a pavement vehicle interaction tool that can be easily used to help measure the expected impacts of the way a road is constructed on fuel efficiency. With fuel efficiency standards being so important to EPA and local communities always looking for additional ways to improve air quality, we believe that PVI can serve as a good tool for both EPA and States. Is that something you're aware of EPA looking into or incorporating into any of its efforts?
7. Our industry has been the focus of a series of Section 114 requests that ask for mountains of information about activities long in the past. Section 114 gives EPA authority to ask for information that it needs to make regulations and to investigate compliance with the CAA. However, EPA has used this authority to create "enforcement initiatives." It basically goes on a fishing expedition through the history of a plant so that the agency can allege violations it can use as leverage to try to force changes to plants that are not required by the regulations. Responding to these requests is quite burdensome and expensive. It can take hundreds of hours of employee time to collect the information and we often have to hire lawyers and outside consultants to help. In our comments to the Commerce Department on regulatory reform, we've proposed some common-sense solutions. First, we think that 114 requests should only be used to investigate activities for which the agency has reason to believe a compliance issue exists. The agency should focus on bad actors and, importantly, the requests should be tailored to specific activities. Second, we'd like to see the requests limited to the period for which we are required to keep records and no longer than five years. Having every action at a plant potentially open for scrutiny many years after the fact causes a lot of uncertainty and wastes a lot of resources. Are you open to fixing abuse of the 114 authority?
8. One of the items we're talking to Congress about during our "fly-in" is Ozone NAAQS implementation. The NAAQS program has run amuck. We'd like to see implementation of the 2015 ozone standard pushed forward two years. This will allow the 2008 standard to run its course and will bring most areas into attainment with the lower 2015 standard just a few years later, without costly changes to state implementation plans, permits, and our plants. Does EPA have any plans to address the Ozone NAAQS or problems with the NAAQS in general to which you can speak?

9. We've heard a lot about shrinking the EPA and consolidating some of the regions. What are some of the programs that you think are most in need of reduction? Can you speak to timing for consolidating the regions? Will there be stakeholder outreach on these reforms?
10. The Energy Star program has been a useful tool for our industry. We've voluntarily made enormous improvements to our energy efficiency. EPA's Energy Star tools have helped us accomplish those efforts and helped us receive credible recognition for our efforts. I know that the program was slated for elimination in the President's budget, can you speak to whether it's a program that you support?
11. Do you have any projection for how long it will take to fill additional political positions within the Agency, including Air Administrator?
12. Can you speak to how you envision federalism influencing EPA procedures going forward?
13. Can you share any of your top priorities for regulatory reform?
14. The last Administration's WOTUS Rule was very concerning to our industry. We are happy to see that you are revisiting it. Can you speak to when you expect a more sensible rule to come out?

To: Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Jack Gerard, API
Sent: Thur 1/4/2018 2:27:24 PM
Subject: Energy Policy New Year's Resolutions for Washington

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January 4, 2018

Dear Lincoln,

In passing [tax reform](#) last month, Congress and the Trump administration set a course toward greater economic growth and increased U.S. competitiveness. Policymakers can continue on that path in 2018 by taking action to advance U.S. energy development – one of the [major drivers of job growth and economic benefits](#) for consumers.

Expand Energy Access: Natural gas and oil development is essential to the U.S. economy, supporting 10.3 million jobs across a range of industries and reducing costs for homes and businesses. And there's more where that came from. Accessing the [wealth of energy resources](#) located in offshore areas could generate hundreds of thousands of jobs and lead to production gains of more than a million barrels of oil equivalent per day – further reducing dependence on overseas energy. The Trump administration's new plan for [offshore development](#) could provide a welcome opportunity to bring [safe energy development](#) to new offshore areas.

Keep Competitive Electricity Markets: Natural gas is now the leading source for U.S. electricity generation, and its benefits are wide-ranging. Its [reliability, affordability and environmental benefits](#) (helping [reduce carbon dioxide emissions](#) in the power sector to near 30-year lows) have made it a fuel of choice for power plant operators. Proposals to alter electricity markets in ways that favor some fuel sources over others could disrupt the free-market competition that has worked so well for consumers. By maintaining a level playing field in electricity markets, policymakers in Washington and at the state level can protect consumers and ensure affordable, reliable and safe electricity for homes and businesses.

Capitalize on Energy Infrastructure Opportunities: Congress and the White House have pledged to make infrastructure a priority in 2018, and [energy infrastructure](#) offers exactly the job-creating, economy-strengthening opportunity they're looking for. Building [pipelines](#) and other infrastructure to keep pace with growing production could support up to 1,047,000 jobs each year on average through 2035 via shovel-ready projects that are not reliant on taxpayer dollars. Eighty-one percent of American voters support expanding U.S. energy infrastructure – making it an economic and political winner.

Cut Red Tape: States are currently saddled with the costly burden of complying with two [dueling sets of ozone standards](#) even though ground level ozone levels have decreased 17 percent since 2000. Legislation passed by the House would help provide regulatory certainty for states and businesses of all sizes while continuing to reduce ozone precursor emissions. Getting this sensible policy across the finish line should be a priority this year. Ethanol policy is also due for a rewrite. Without reform, the outdated [Renewable Fuel Standard](#) – which adds more ethanol to the nation's fuel supply each year, without fully taking market demand into account – threatens to [cause engine damage and raise consumer costs](#). The RFS was mandated a decade ago to reduce costs and reliance on foreign energy – two goals since achieved by the U.S. energy revolution. It's time to acknowledge current realities and repeal or

significantly reform the RFS.

Not only do pro-energy policies make good economic sense, they receive bipartisan support. Eighty percent of U.S. voters support increased domestic oil and natural gas production. As Congress and the Trump administration set priorities for 2018, pro-economy, pro-consumer energy policies should be on the short list.

Sincerely,

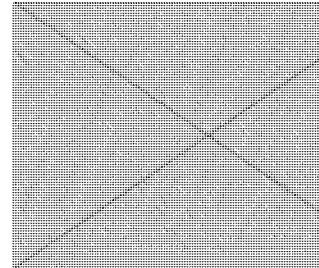
Jack N. Gerard
President & CEO
API

Offshore Energy: Safe Development for a Secure Energy Future

The natural gas and oil industry has the experience and advanced technology to safely develop the nation's offshore reserves, and we've worked together with regulators to make offshore development safer than ever. [Learn more about the importance of offshore energy to future U.S. energy security](#), and the steps we've taken to keep offshore development safe.

Follow our Blog to stay up-to-date

To stay up-to-date on the latest energy-related news, there is no better place to check than the [Energy Tomorrow Blog](#).



About API:

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation's energy and are backed by a growing grassroots movement of more than 40 million Americans.

To learn more about API and the value of oil and natural gas, please visit [API.org](#).

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Jack Gerard, API
1220 L Street, NW
Washington, DC 20005
US

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To: Jones, Enesta[Jones.Enesta@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Press[Press@epa.gov]
From: Sean Reilly
Sent: Thur 8/3/2017 1:38:17 PM
Subject: RE: Interview request with Mr. Pruitt re withdrawal of ozone NAAQS implementation delay

OK

From: Jones, Enesta [mailto:Jones.Enesta@epa.gov]
Sent: Thursday, August 03, 2017 9:32 AM
To: Sean Reilly <sreilly@eenews.net>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: Re: Interview request with Mr. Pruitt re withdrawal of ozone NAAQS implementation delay

Hi Sean, we have your request.

Enesta Jones

U.S. EPA

Office of Media Relations

Office: 202.564.7873

Cell: Ex. 6 - Personal Privacy

"The root of all joy is gratefulness."

On Aug 3, 2017, at 8:56 AM, Sean Reilly <sreilly@eenews.net> wrote:

Hi Liz:

To follow up from my request from last night, there are a couple of other questions I'd like to discuss with Mr. Pruitt:

1. Is it possible that he could again decide to delay some or all of the attainment designations prior to this October?
2. Given that the withdrawal notice says that the information gaps “may not be as expansive as we previously believed,” would EPA in hindsight have been better served by a more open process—e.g., giving advance public notice of the extension and then seeking public comment before announcing it as a fait accompli?
3. What is the status of the Ozone Cooperative Compliance Task Force? Under the 90-day timeline laid out by Congress in requiring EPA to create the task force, it is supposed to report back within the next few days. Will it meet that deadline, and if not, when is it expected to issue the report?
4. Who are the members of the task force?

If by chance Mr. Pruitt is not available for an interview this morning, I would need to get on-the-record responses to these questions. My deadline remains 11:45 this morning.

Thanks,

Sean Reilly

Reporter
E&E News

Ex. 6 - Personal Privacy (Cell)
(Desk)
sreilly@eenews.net

From: Sean Reilly

Sent: Wednesday, August 02, 2017 9:36 PM

To: Press <Press@epa.gov>

Subject: Interview request with Mr. Pruitt re withdrawal of ozone NAAQS implementation delay

Hello:

Would Mr. Pruitt be available for a few minutes tomorrow morning to further discuss the reasons for the withdrawal, and in particular whether it's related to a D.C. Circuit Court requirement to respond by tomorrow to a stay motion from environmental groups?
Any time up until 11:45 would work.

Sean Reilly

Reporter

E&E News

Ex. 6 - Personal Privacy (Cell)
(Desk)
sreilly@eenews.net

To: Bowman, Liz[Liz_Bowman@americanchemistry.com]; Konkus, John[konkus.john@epa.gov]
Cc: Press[Press@epa.gov]
From: Sean Reilly
Sent: Wed 5/3/2017 1:35:12 PM
Subject: FW: Lawsuit to force compliance with Clean Air Act anti-smog protections in DC and Philly
[Ozonesuit.pdf](#)

Hi folks:

Please let me know if you have any comment on the attached suit. A press release from the plaintiffs is below. Deadline is noon today.

Thanks,
Sean Reilly
Reporter
E&E News

Ex. 6 - Personal Privacy Desk)
Cell)
sreilly@eenews.net

For Immediate Release, May 3, 2017

Contact: Bill Snape, Center for Biological Diversity, (202)
536-9351, bsnape@biologicaldiversity.org

Lawsuit Challenges EPA Chief Scott Pruitt to Keep D.C., Philadelphia on Track to Clean Air

WASHINGTON— Environmental and public-health groups filed a lawsuit today against Environmental Protection Agency Administrator Scott Pruitt for his failure to finalize deadlines by which the District of Columbia and Philadelphia must meet 2008 clear-air standards to control smog.

Smog — also known as ground-level ozone pollution — poses serious threats to public health, wildlife and ecosystems.

“Every day Scott Pruitt delays cleaning up the air will result in more people dying from smog-induced asthma attacks, heart attacks and strokes,” said Bill Snape, senior counsel at the Center for Biological Diversity. “Pruitt has a history of fighting common sense rules to protect the air we breathe. But clean air is not an option. It’s the law.”

The Clean Air Act requires the EPA to identify and set “national ambient air quality standards” for pollutants such as ozone. In 2008 the agency set clean-air standards for ozone. But more than eight years later it has failed to finalize deadlines to ensure that Washington, D.C. and Philadelphia have reduced ozone pollution to healthy levels.

The EPA is supposed to determine by late this year which cities across the country meet a more protective smog standard put in place in 2015.

But lawyers for the EPA told an appeals court earlier this month the agency is now considering simply rolling back the new standard and returning to the 2008 benchmark moving forward.

Pruitt has a history of obstructing environmental laws on behalf of industry. In response to a formal ethics complaint by the Center for Biological Diversity, the Oklahoma Bar Association has opened an investigation into whether Pruitt lied to Congress, while under oath, about his connections to the oil and gas industry.

As attorney general of Oklahoma, Pruitt sued to block the updated 2015 ozone standards, which reduce the threshold to 70 parts per billion to better protect public health. The 2008 standard is 75 parts per

billion.

Pruitt sued the agency he now heads 14 times in an attempt to roll back protections for clean water, clean air and climate pollution.

"Ozone pollution leads to the needless deaths of thousands of people," said Caroline Cox, research director at the Center for Environmental Health. "We're going to fight the Trump administration to ensure clean air for all American children and families."

Today's lawsuit, brought by the Center for Biological Diversity and Center for Environmental Health, demands that the EPA finalize findings that Philadelphia and Washington D.C. have reduced ozone levels.

Background

People exposed to excess ozone are at risk of reduced lung function and increased respiratory problems like asthma, increasing emergency room visits, premature deaths, and reproductive damage. Cumulative ozone exposure can not only stunt the growth of trees and damage leaves but also causes increased susceptibility to disease, damage from insects and harsh weather.

An EPA study found that Clean Air Act programs to reduce ozone pollution prevented more than 4,300 deaths, tens of thousands of heart attacks and

3.2 million lost school days in 2010 alone. The Clean Air Act has also helped to keep the U.S. economy healthy by creating jobs, with more than

1.7 million Americans employed in the environmental technology industry helping to keep our air clean.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.2 million members and supporters dedicated to the protection of endangered species and wild places.

The Center for Environmental Health works with parents, communities, businesses, workers, and government to protect children and families from toxic chemicals in homes, workplaces, schools, and neighborhoods.

--

Bill Snape

bsnape@biologicaldiversity.org

To: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Press[Press@epa.gov]
From: Sean Reilly
Sent: Tue 5/2/2017 6:00:34 PM
Subject: FW: RELEASE: Carper, EPW Democrats Press Pruitt to Address Likely Conflicts of Interest Regarding Ozone Standards

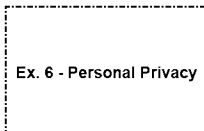
Liz. John:

Any comment on this? My deadline is 3:20 this afternoon.

Sean Reilly

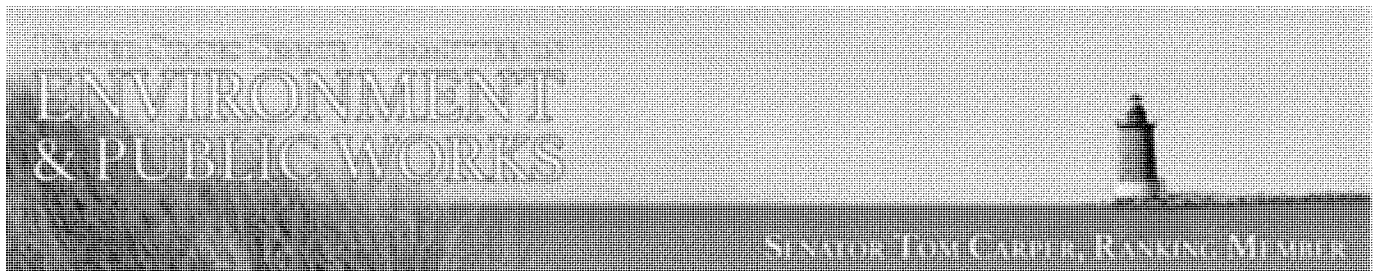
Reporter

E&E News

 (Desk)
Ex. 6 - Personal Privacy (Cell)

sreilly@eenews.net

From: DemPress (EPW) [mailto:DemPress_DemPress@epw.senate.gov]
Sent: Tuesday, May 02, 2017 1:46 PM
To: DemPress (EPW) <DemPress_DemPress@epw.senate.gov>
Subject: RELEASE: Carper, EPW Democrats Press Pruitt to Address Likely Conflicts of Interest Regarding Ozone Standards



FOR RELEASE: May 2, 2017

Carper, EPW Democrats Press Pruitt to Address Likely Conflicts of Interest Regarding Ozone Standards

WASHINGTON, DC – Today, U.S. Senator Tom Carper (D-Del.), top Democrat on the Environment and Public Works Committee, led his colleagues in calling for Environmental Protection Agency (EPA) Administrator Scott Pruitt to address the apparent conflict of interest regarding his participation in the review of EPA's 2015 National Ambient Air Quality Standards (NAAQS) for Ozone. As Attorney General of Oklahoma, Mr. Pruitt sought to overturn the 2015 Ozone NAAQS, which set stricter standards for pollutants considered harmful to public health and the environment.

Senator Carper, along with Senators Cory Booker (D-N.J.), Kamala Harris (D-Calif.), Edward J. Markey (D-Mass.) and Sheldon Whitehouse (D-R.I.) requested information on Mr. Pruitt's efforts to mitigate the likely conflicts of interest.

The EPW members wrote, **"In October 2015, you filed an action in the U.S. Circuit Court of Appeals for the District of Columbia (*Murray Energy v. EPA*) challenging the 2015 Ozone NAAQS on behalf of the State of Oklahoma. In the April 7 motion the EPA not only seeks a delay in the litigation but also states that the agency 'intends to closely review' the rule."**

They continued, **"We all continue to believe that you should have committed to recuse yourself extensively from a number of matters during your confirmation process. Nevertheless, your anticipation of, and preparation for, both the filing of the motion in the DC Circuit and the intended review of the 2015 Ozone NAAQS should have triggered the more limited recusal policy to which you have already and repeatedly agreed."**

Prior to his confirmation as EPA Administrator, Mr. Pruitt said he would "seek authorization [from the EPA's Designated Agency Ethics Officer] to participate personally and substantially in particular matters involving specific parties in which [he] know[s] the State of Oklahoma is a party or represents a party." Over the last two months, Senator Carper has led lawmakers in calling on Pruitt to address similar conflicts of interest regarding EPA's review of the [Clean Water Rule](#) and the [Clean Power Plan](#), both of which Mr. Pruitt sought to overturn as Oklahoma's Attorney General. Mr. Pruitt has yet to respond to either request.

Full text of the letter to Administrator Pruitt can be found below and in pdf form [here](#).

May 2, 2017

Dear Administrator Pruitt:

We write to request information on the actions you have taken to address actual or apparent conflicts of interest created by your role in representing the State of Oklahoma in litigation challenging the Environmental Protection Agency's (EPA's) 2015 National Ambient Air Quality Standards (NAAQS) for Ozone. On April 11, 2017, the U.S. Court of Appeals for the D.C. Circuit granted a motion the EPA filed on April 7, 2017^[1] by issuing an order removing from its April 19 calendar oral argument in *Murray Energy v. EPA* (Circuit Court of Appeals for the District of Columbia, USCA Case #15-1385), the action challenging the ozone NAAQS in which you represented the State of Oklahoma as Attorney General. Moreover, the EPA's April 7 motion that requested the court's action states: "EPA intends to closely review the 2015 Rule." We believe you are required to have secured authorization from the EPA's Designated Agency Ethics Officer (DAEO) to participate in these matters. We seek your written confirmation that such authorization has been granted, or that you will recuse yourself from these matters going forward.

Under your tenure as Administrator, the EPA has already asked the courts five times to delay consideration of a lawsuit because the EPA wanted time to decide whether it should change or repeal the rule in question. In at least four of the lawsuits, you had represented the State of Oklahoma as Attorney General seeking to vacate the very rules in question. The *Murray Energy* case is one of these cases. Both the EPA's motion and the statement included in the motion that EPA now intends to review the 2015 Ozone NAAQS also seem to contradict comments made by White House officials that, "there are plenty of rules on the books already we will continue to enforce that provide for clean air... the President has been very clear that he wants the EPA to stick to that basic core mission that Congress set out for it." There is no obligation more central to the mission of the EPA than determining what levels of ozone in the air are unhealthy for our children.

In your January 3, 2017, Ethics Agreement,^[1] you stated that for a one-year period, you "will seek authorization to participate personally and substantially in particular matters involving specific parties in which I know the State of Oklahoma is a party or represents a party." This commitment was reiterated in a January 16, 2017 response to a January 12 letter sent by nine Members of the Environment and Public Works Committee from

Kevin Minoli, EPA's Designated Agency Ethics Official (DAEO) and Principal Deputy General Counsel, which also stated:

"Pursuant to the impartiality rules, any court case is considered a specific party matter. Thus, if the State of Oklahoma is a party or represents a party in a particular piece of litigation, Mr. Pruitt's ethics agreement includes a commitment to seek authorization to participate personally and substantially in that litigation. Should Mr. Pruitt seek authorization to participate in any litigation in which a person with whom he has a covered relationship is a party or represents a party, as stated above, the EPA Designated Agency Ethics Official would consider the factors set forth in 5 C.F.R. section 2635.502(d)(1)-(6) for purposes of compliance with the federal ethics rules."

Additionally, in response to questions for the record submitted to the Committee on Environment and Public Works you stated:

"As EPA Administrator I will recuse [sic] from participation in litigation in matters in which I represented the State of Oklahoma, unless I receive informed consent from the State of Oklahoma and the permission of relevant federal ethics officials."

We all continue to believe^[2] that during your confirmation process you should have committed to recuse yourself extensively from a number of matters. Nevertheless, your anticipation of, and preparation for, both the filing of the motion in the DC Circuit and the intended review of the 2015 Ozone NAAQS should have triggered the more limited recusal policy to which you have already, and repeatedly, agreed.

In light of: 1) your Ethics Agreement; 2) the response of EPA's DAEO to the January 12 letter; 3) your representations to the Environment and Public Works Committee during your confirmation process; 4) your role representing the State of Oklahoma in litigation challenging the 2015 Ozone NAAQS; and, 5) EPA's April 7 motion, please respond to the following requests in writing and provide copies of all documentation supporting your responses:

1. Other than the actions reflected in the filing of the April 7 motion, have you recused yourself from the actions concerning the 2015 Ozone NAAQS contemplated in the April 7 motion, and, if so, to what extent have you done so?

2. If not, why not? If you have recused yourself from these matters, please provide the name(s) and identify the position(s) of the individual(s) you have directed to act in your stead.
3. Have you sought authorization to participate in those actions from the DAEO – and if you have done so, when did you do so? Please provide a copy of any written material submitted to the DAEO in making, or following up on, that request.
4. Has the DAEO granted such authorization, and if so, has the authorization included any restrictions or limitations on your participation? Please provide a copy of any written material conveying the DAEO's response.
5. If you have neither been recused from participation in this matter nor sought authorization from the DAEO to participate in the actions specified in the April 7 motion with respect to the 2015 Ozone NAAQS, please explain why you have not.
6. Have you requested or received a waiver to participate personally and substantially in any other particular matters involving specific parties in which the State of Oklahoma is a party or represents a party? If so, please provide copies of all such requests and all such grants from the DAEO.

Please provide your responses to these inquiries and requests by no later than May 15, 2017. If you have any questions about these requests, please feel free to contact Michal Freedhoff or Joseph Goffman at the Senate Committee on Environment and Public Works at 202-224-8832. We very much appreciate your prompt attention to this matter.

Sincerely,

Thomas R. Carper

Sheldon Whitehouse

Ranking Member

United States Senator

Cory Booker

Edward J. Markey

United States Senator

United States Senator

Kamala D. Harris

United States Senator

###

[1] <https://www.politicopro.com/f/?id=0000015b-4ab3-d932-a97b-ebff4cc30001>

[1] [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/C3B4C444EB20D1FD852580C1002C7A75/\\$FILE/Pr](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/C3B4C444EB20D1FD852580C1002C7A75/$FILE/Pr)

To: Ex. 6 - J. McQuaid personal email
Cc: Press[Press@epa.gov]
From: Graham, Amy
Sent: Tue 7/11/2017 10:32:22 PM
Subject: RE: methane

Hi John – Enesta passed along your email. Here is our response:

“EPA follows the law when ensuring the Agency’s actions are consistent with our core mission and statutory authority granted by Congress. Where regulations may be unjustified or overly burdensome, we will consider all legally available means to provide regulatory certainty.” - Amy Graham, EPA spokesperson

Thanks,

Amy

From: John McQuaid [mailto:Ex. 6 - Personal Privacy]
Sent: Tuesday, July 11, 2017 4:09 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: methane

Hello Ernesta:

I'm a journalist writing a piece for Scientific American regarding the EPA suspension of the methane rule and other of published federal rules (including the pesticide applicator rule, ozone standards, et al).

Had some brief questions I was hoping to get a response on:

1. What is the latest EPA response to last week's Circuit Court ruling on the methane rule, what happens now?
2. Are these suspensions part of a broader agency effort to reevaluate and / or roll back existing Obama-era regulatory actions?
3. If so, what's the overall aim, or thinking behind this?
4. I've spoken to some legal scholars who say that sometimes these are hastily implemented

without meeting legal requirements (as also reflected by the recent methane rule decision). Is this something the agency is working to address in future suspensions or reviews?

Any help appreciated.

Thanks and regards,

John McQuaid

Scientific American

Ex. 6 - Personal Privacy

To: Bowman, Liz[Liz_Bowman@americanchemistry.com]; Konkus, John[konkus.john@epa.gov]
Cc: Press[Press@epa.gov]
From: Sean Reilly
Sent: Mon 6/19/2017 5:57:49 PM
Subject: FW: Health groups meet w/ Pruitt, deliver Climate & Health Declaration

Liz, John:

See below' we're doing a short story on this for our late afternoon edition. Since we'll be quoting someone from the American Lung Association, I wanted to see whether Mr. Pruitt would have a couple of minutes to discuss his view of the meeting. My deadline is 3:15 p.m.; if Mr. Pruitt's not available to speak directly, can you address the following questions:

1. Does he have any comment on the climate change declaration referenced below and/or how the meeting went generally?
2. I'm told that the participating organizations expressed their "deep disappointment" with his decision to delay attainment designations for the 2015 ozone NAAQS. Does he have any comment on that?
3. Who else participated from EPA?
4. Has Mr. Pruitt met with any other national environmental or public health groups since becoming EPA administrator? If so, can you give a couple of examples?

Thanks,

Sean

Sean Reilly

Reporter

E&E News

Ex. 6 - Personal Privacy Desk)
Cell)

sreilly@eenews.net

Leading Health and Medical Organizations Urge President Trump, EPA Administrator Pruitt, to Act on Climate Change to Protect Health

Declaration on Climate Change and Health delivered to Administrator Pruitt during meeting today with health and medical leaders

WASHINGTON, D.C. (June 19, 2017) – Citing the urgent threat to public health, today 18 leading national health, patient advocacy, nursing and medical organizations called for immediate action to address climate change.

The groups issued a “[Declaration on Climate Change and Health](#)” to highlight the health impacts already taking a toll on communities across the country as a result of climate change, noting that extreme weather patterns, such as heat and changes in precipitation patterns, have increased the frequency and intensity of droughts, wildfires and flooding with profound impacts to human health and safety.

The Declaration states, “Bold action is needed to address climate change by cleaning up major sources of carbon pollution and other greenhouse gases, including power plants, cars, trucks and other mobile sources,” and calls on “President Trump, EPA Administrator Scott Pruitt, and members of Congress to heed the clear scientific evidence and take steps now to reduce pollution that drives climate change and harms health.”

“Health and medical organizations are united in our fight to reduce ozone and particulate air pollution and combat climate change, and we strongly oppose efforts by the Trump Administration to roll back life-saving clean air and climate protections,” said Harold P. Wimmer, national president and CEO of the American Lung Association. “That is why we issued this Declaration, and why we met with EPA Administrator Scott Pruitt today.”

The “Declaration on Climate and Health” was delivered to EPA Administrator Scott Pruitt today during a meeting to discuss the important responsibility EPA has to implement and enforce the Clean Air Act to protect millions of Americans from the risks of breathing air pollution, which can cause asthma attacks, heart attacks, lung cancer, reproductive harm and premature death. In the meeting, the groups also

emphasized the urgent need to take steps now to reduce pollution that drives climate change.

“The science is clear. Climate change is happening and it’s affecting our health,” said Dr. Georges Benjamin, MD, executive director of the American Public Health Association. “The most vulnerable communities, including children, seniors, low-income communities, some communities of color, and people with chronic disease, are at the greatest risk when it comes to climate change.”

“Nurses know that preventing illness before it occurs leads to improved health outcomes, saves lives, and is cost effective—both in reducing health costs through reductions in ER visits and hospitalizations and increased productivity - a healthy workforce is more productive. That’s why it is so important to act now, before it is too late,” said Katie Huffling, a nurse and Executive Director of the Alliance of Nurses for Healthy Environments.

CEOs and senior leaders from 12 national health and medical organizations, organized by the American Lung Association, participated in today’s meeting with Administrator Pruitt.

###

About the American Lung Association

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. The work of the American Lung Association is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases. For more information about the American Lung Association, a holder of the Better Business Bureau Wise Giving Guide Seal, or to support the work it does, call 1-800-LUNGUSA (1-800-586-4872) or visit: Lung.org.

American Lung Association • 55 W. Wacker Drive, Suite 1150 • Chicago, IL 60601

1331 Pennsylvania Ave, NW, Suite 1425 North • Washington, D.C. 20004

1-800-LUNGUSA (1-800-586-4872) Lung.org

To: Bowman, Liz[Liz_Bowman@americanchemistry.com]
Cc: Press[Press@epa.gov]
From: Sean Reilly
Sent: Wed 6/7/2017 2:59:01 PM
Subject: FW: Interview request for Mr. Pruitt re delay in ozone NAAQS implementation

Hi Liz:

Just checking back to see where we stand with this.

Thanks,

Sean

From: Sean Reilly
Sent: Tuesday, June 06, 2017 11:35 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Interview request for Mr. Pruitt re delay in ozone NAAQS implementation

Hi Liz:

In connection with a follow-up story we'll be doing tomorrow, I wanted to see whether Mr. Pruitt is available for 10-15 minutes in the morning to discuss in more detail the factors behind his decision and his response to the criticism that has followed. I'm particularly interested in addressing the following issues:

- 1) In his letter, Mr. Pruitt says that compliance costs associated with the ozone NAAQS have increased significantly. What data is he alluding to?
- 2) Why did he decide to postpone a statutory deadline without prior public notice and the opportunity for public comment?
- 3) Did Mr. Pruitt seek any advice from EPA's Office of General Counsel on proceeding with the delay and, if so, did OGC opine that such a delay is legal?
- 4) Does Mr. Pruitt have any comment on allegations from John Walke of the Natural Resources Defense Council that the delay is "flagrantly illegal"?
- 5) What is the status of EPA's broader review of the 2015 ozone NAAQS that led the agency to seek an abeyance of the litigation before the U.S. Court of Appeals for the D.C. Circuit?
- 6) Who is on the Ozone Cooperative Compliance Task Force and what is its formal charter (apart from the brief description in today's letter) and the timeframe for making recommendations?

My deadline is 11:45 a.m. tomorrow. If Mr. Pruitt is not available for an interview, I would appreciate your addressing these questions either over the phone or in writing by then.

Thanks very much,

Sean

Sean Reilly
Reporter
E&E News

Ex. 6 - Personal Privacy (Desk)
(Cell)
sreilly@eenews.net

To: Chris Hosek[chris@texasstaralliance.com]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Ferguson, Lincoln
Sent: Fri 9/22/2017 3:03:11 PM
Subject: RE: Meeting at the ACYPL event (Wednesday sept 13)

Thank you Chris. I've cc'd Mandy Gunasekara who may be able to assist on this matter.

From: Chris Hosek [mailto:chris@texasstaralliance.com]
Sent: Tuesday, September 19, 2017 11:54 AM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: Meeting at the ACYPL event (Wednesday sept 13)

Hi Lincoln,

We briefly met at the ACYPL event last Wednesday in Washington DC. I am an energy consultant in Austin Texas. You mentioned that if I had any issues, to drop you an email. It just so happens one issue did pop up on me. It has to do with the Air Quality Permit in the Uinta Basin in Utah. Below is the issue and a proposed solution with detailed information.

Any assistance to resolve this in a timely manner on would be helpful.

Air Quality Permitting for Oil and Gas Development in Uinta Basin, Utah

Issue

Oil and gas development in the tribal airshed of the Uinta Basin in Utah will be disadvantaged upon a final nonattainment designation under EPA's 2015 ozone standard (expected October 2018) because a streamlined air quality permitting program does not yet exist.

Solution

1) Regulatory Revision

Revise the current Federal Implementation Plan for True Minor Sources in Indian Country for the Oil and Natural Gas Production and Processing Segments (National Tribal NSR FIP) so that it applies to nonattainment areas (and allows for new development) until a local or “reservation-specific” FIP is finalized. This revision involves striking one sentence of the FIP (40 CFR 49.101(b)(v)) and a brief reference to subsection 49.101(b)(v).

2)Stakeholder Process

Commence a stakeholder process to develop a local or “reservation-specific” FIP for new development in the Uinta Basin to be effective after nonattainment designations are finalized by EPA.

Context

- Ozone has been monitored in the Uinta Basin at levels that are above EPA’s national 2015 ozone standard of 70 ppb. A nonattainment designation is expected for the Basin in October 2018.
- The National Tribal NSR FIP is the current air quality permitting mechanism for new development of oil and gas (specifically, “minor” sources of emissions) in the Basin. The National Tribal NSR FIP was finalized in the summer of 2016 and does not apply to areas designated as nonattainment.
- EPA does not have a streamlined permitting program for new development in the Uinta Basin upon a final nonattainment designation.
- Since 2014, Uinta Basin has experienced a decline in oil and gas production. Such a production decline directly corresponds to a decrease in ozone precursor emissions. Emissions have decreased even further due to EPA’s federal standards for new sources (NSPS OOOO/OOOOa). EPA can rely on these emission reductions as it works with stakeholders to develop a permitting program for new development in the Basin.

Please let me know if you have any questions.

Chris Hosek

Texas Star Alliance

1122 Colorado Street , Suite 102

Austin, TX 78746

Ex. 6 - Personal Privacy

chris@texasstaralliance.com

To: Freire, JP[Freire.JP@epa.gov]
From: Eilperin, Juliet
Sent: Sun 4/9/2017 2:10:42 AM
Subject: RE: Can I get a comment on EPA's request to postpone the oral argument on the ozone NAAQS?

Dear JP,

I updated with the revised quote, it should be online soon.

And just so you've got it, my direct is [Ex. 6 - Personal Privacy] cell is [Ex. 6 - Personal Privacy]

Best, Juliet

From: Freire, JP [mailto:Freire.JP@epa.gov]
Sent: Saturday, April 08, 2017 9:15 PM
To: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Subject: Re: Can I get a comment on EPA's request to postpone the oral argument on the ozone NAAQS?

Also I realize I don't have your number. It's no big deal if the quote doesn't make it but if it does, please make sure it's the updated one.

J.P. Freire

Environmental Protection Agency

Associate Administrator for Public Affairs

Mobile: [Ex. 6 - Personal Privacy]

On Apr 8, 2017, at 8:13 PM, Freire, JP <Freire.JP@epa.gov> wrote:

Juliet,

We had to amend our quote. Here it is.

Given the broad-reaching economic implications of the 2015 ozone standard, we are carefully reviewing the rule to determine whether it is in line with the pro-growth

directives of this Administration. We simply request the court grant us additional time to ensure we can continue this thorough and deliberative process.

Sorry for whipsawing you!

J.P. Freire

Environmental Protection Agency

Associate Administrator for Public Affairs

Mobile: Ex. 6 - Personal Privacy

On Apr 8, 2017, at 7:46 PM, Freire, JP <Freire.JP@epa.gov> wrote:

I'm surprised that turnaround was so fast!

J.P. Freire

Environmental Protection Agency

Associate Administrator for Public Affairs

Mobile: Ex. 6 - Personal Privacy

On Apr 8, 2017, at 7:30 PM, Eilperin, Juliet <Juliet.Eilperin@washpost.com> wrote:

Dear JP,

That's great to hear that you're on board! I just talked to Sen. Hatch on Friday, by the way, he was great.

I'm out at dinner and the print story ran today, but I will try to add this online later.

Best,

Juliet

On Apr 8, 2017, at 6:40 PM, Freire, JP <Freire.JP@epa.gov> wrote:

Hey Juliet,

Excited to catch up with you in my new gig.

For our quote:

Sacrificing our economy for incremental benefits is no longer the direction of this agency. The previous administration abused the regulatory process to advance an ideological agenda that expanded the reach of the federal government often dismissing the technical and economic concerns raised by the regulated community.

For background.

The 2015 ozone standard was the most expensive environmental regulation in history that will result in thousands of lost jobs across the economy. Accordingly, we are undergoing extensive reviews of the misaligned regulatory actions from the past Administration. Given the extensive record associated with the 2015 ozone standard, we are simply requesting the court grant us additional time to continue this thorough and deliberative process.

J.P. Freire

Environmental Protection Agency

Associate Administrator for Public Affairs

Mobile: Ex. 6 - Personal Privacy

On Apr 7, 2017, at 7:42 PM, Eilperin, Juliet
<Juliet.Eilperin@washpost.com> wrote:

Specifically, I'm interested in whether this indicates the agency is weighing whether to defend the rule or not.

Thanks,

Juliet Eilperin

To: Freire, JP[Freire.JP@epa.gov]
From: Eilperin, Juliet
Sent: Sun 4/9/2017 1:56:15 AM
Subject: Re: Can I get a comment on EPA's request to postpone the oral argument on the ozone NAAQS?

No problem, I will use this one instead.

On Apr 8, 2017, at 8:13 PM, Freire, JP <Freire.JP@epa.gov> wrote:

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Mobile [Ex. 6 - Personal Privacy]

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Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: Ex. 6 - Personal Privacy

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To: Freire, JP[Freire.JP@epa.gov]
From: Eilperin, Juliet
Sent: Sun 4/9/2017 1:55:50 AM
Subject: Re: Can I get a comment on EPA's request to postpone the oral argument on the ozone NAAQS?

Oh, I haven't, I just got home. Want to update it?

And yes, we got it into second edition last night-I ended up working till 10 pm on it.
Best,
Juliet

On Apr 8, 2017, at 8:06 PM, Freire, JP <Freire.JP@epa.gov> wrote:

Juliet,

Have you dropped in the statement yet? I need to update it slightly if not.

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: Ex. 6 - Personal Privacy

On Apr 8, 2017, at 7:46 PM, Freire, JP <Freire.JP@epa.gov> wrote:

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J.P. Freire
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Associate Administrator for Public Affairs
Mobile: Ex. 6 - Personal Privacy

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Sacrificing our economy for incremental benefits is no longer the direction of this agency. The previous administration abused the regulatory process to advance an ideological agenda that expanded the reach of the federal government often dismissing the technical and economic concerns raised by the regulated community.

For background.

The 2015 ozone standard was the most expensive environmental regulation in history that will result in thousands of lost jobs across the economy. Accordingly, we are undergoing extensive reviews of the misaligned regulatory actions from the past Administration. Given the extensive record associated with the 2015 ozone standard, we are simply requesting the court grant us additional time to continue this thorough and deliberative process.

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: Ex. 6 - Personal Privacy

On Apr 7, 2017, at 7:42 PM, Eilperin, Juliet
<Juliet.Eilperin@washpost.com> wrote:

Specifically, I'm interested in whether this indicates the agency is weighing whether to defend the rule or not.

Thanks,
Juliet Eilperin

To: Freire, JP[Freire.JP@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Diana Furchtgott-Roth
Sent: Fri 3/31/2017 11:09:34 PM
Subject: RE: Hi there!
Senate EPW Testimony.102015.Final.pdf

Dear JP,

Congratulations on your new position. I'm glad that you're at EPA. Here's a column I just wrote on ten problems with EPA's cost benefit analysis of the Clean Power Plan. It is based on my testimony to the Senate Environment and Public Works Committee (attached). Let me know if I can help you in any way.

<https://economics21.org/html/ten-problems-epa%E2%80%99s-clean-power-plan-analysis-2275.html>

Best,

Diana

Diana Furchtgott-Roth
Senior Fellow and Director, Economics21
Manhattan Institute for Policy Research
1200 New Hampshire Avenue, Suite 575
Washington, DC 20036

Ex. 6 - Personal Privacy	(direct)
	(mobile)

From: Freire, JP [mailto:Freire.JP@epa.gov]
Sent: Friday, March 31, 2017 6:16 PM
To: Diana Furchtgott-Roth
Cc: Wilcox, Jahan
Subject: Hi there!

Hi Diana! I wanted to greet you from my new perch. Looking forward to working together. Please include me and Jahan (cc'd) on any future emails discussing EPA work.

JP Freire

Associate Administrator for Public Affairs

U.S. Environmental Protection Agency



**The Environmental Protection Agency's
Flawed Cost-Benefit Analysis Methodology**

**Diana Furchtgott-Roth
Senior Fellow and Director, Economics21
Manhattan Institute for Policy Research**

**Subcommittee on Superfund, Waste Management, and Regulatory Oversight
U.S. Senate Committee on Environment and Public Works
October 21, 2015**

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The Environmental Protection Agency's Flawed Cost-Benefit Analysis Methodology

Chairman Rounds, Ranking Member Markey, Distinguished Members of the Subcommittee, thank you for the opportunity to testify today. I am a senior fellow at the Manhattan Institute, where I direct the Institute's economics portal, Economics21. I am a former chief economist of the U.S. Department of Labor under Secretary Elaine L. Chao, and a former chief of staff of the Council of Economic Advisers in the White House under President George W. Bush.

I am especially honored to testify today because regulatory oversight is an important function of Congress. With the annual U.S. economic costs of federal regulation having been conservatively estimated at \$1.9 trillion,¹ the need for a more responsible approach to regulation has never been more critical. Unfortunately, the cost-benefit analyses in the Environmental Protection Agency's latest rules on carbon, ozone, and mercury do not live up to reasonable economic standards of cost-benefit analysis in the private sector.

Congress needs to ensure that government agencies live up to the highest standards of cost-benefit analysis. If the cost of doing business in America rises as a result of burdensome regulations, all Americans suffer. EPA's regulations will disproportionately affect Americans living in energy-producing states, and the Committee should be particularly careful about these geographic effects.

Cost-benefit analysis performed by government agencies is especially important because the government is imposing regulations on the public, and the public has nowhere else to go. If a private company errs in its cost-benefit calculations, it may make an investment that turns out to be unprofitable. The company may even go out of business, with management, employees, and shareholders suffering financial and job losses. But if a government agency makes mistakes in cost-benefit analysis, the entire country potentially loses, and no government employees lose their jobs.

Everyone wants cleaner air, but most people also want the security of employment that comes from economic activity. Most would agree on the need

¹ Clyde Wayne Crews (2015). "Ten Thousand Commandments 2015." *Competitive Enterprise Institute*. <https://cei.org/10kc2015>

to strike the right balance between the economy and the environment. The question is: What is that balance?

Under current federal regulations, the air is getting cleaner every year, as old equipment is replaced by new. Greenhouse-gas emissions from power plants have declined by 15 percent from 2005 to 2013, according to the Energy Information Administration.² Do the benefits associated with yet more federal regulations justify their costs?

Over the past two years EPA has issued proposed or final regulations on emissions of mercury, ozone, and carbon. I will first discuss the problems with calculation of the benefits, then the problems with the costs, and finally with the discount rate. The final section addresses why Americans should care about such an esoteric issue.

Problems with Calculations of Benefits

1. Co-Benefits of Other Substances

The carbon rule's putative benefits exceed its claimed costs not from reductions in carbon dioxide, but from reductions in other substances, such as particulate matter, sulfur oxides (SOx) and nitrogen oxides (NOx). Without the alleged positive health effects of these other substances, the rule would fail EPA's cost-benefit test.

As can be seen in the table below, the benefits listed for the Clean Power Plan in EPA's Regulatory Impact Analysis are about \$15 billion in 2025, but those benefits shrink to \$3.6 billion if the health benefits of other substances are removed.³ In the mercury rule, benefits shrink from about \$61 billion to less than \$100 million when co-benefits from reductions in particulate matter, SO_x, and NO_x are removed.⁴ For the ozone rule, benefits shrink from about \$29 billion to \$8.7 billion even with EPA's analysis when benefits of other particulates are

² Energy Information Administration (2014). "U.S. Energy-Related Carbon Dioxide Emissions, 2013." <http://www.eia.gov/environment/emissions/carbon/>

³ U.S. Environmental Protection Agency (2015). "Regulatory Impact Analysis for the Clean Power Plan Final Rule." <http://www.epa.gov/airquality/cpp/cpp-final-rule-ria.pdf>

⁴ U.S. Environmental Protection Agency (2011). "Regulatory Impact Analysis for the Final Mercury and Air Toxics Standards." <http://www.epa.gov/ttnecas1/regdata/RIAs/matsriafinal.pdf>

omitted.⁵ The net benefits without other reductions are negative for mercury and ozone, and barely positive for carbon.

Cost-Benefit Analysis for Three EPA Rules, With and Without Health Benefits from Particulate Matter, SO₂, and NO_x Reductions (billions of 2011 dollars)

	Carbon Rule	Mercury Rule	Ozone Rule
Costs	\$3.0	\$10.4	\$15
Benefits	\$10-\$19	\$36-\$88	\$19-\$38
Benefits w/o other reductions	\$3.6	<\$0.1	\$6.4-\$11
Net Benefits	\$7-\$16	\$26-\$78	\$4-\$23
Net Benefits w/o other reductions	\$0.6	(\$10.4)	(\$4.0)-(\$8.6)

Notes: 7% discount rate used.

Carbon Rule: 2025 estimates for mass-based reductions. Source: "Regulatory Impact Analysis for the Clean Power Plan Final Rule," Environmental Protection Agency, August 2015 (Tables ES-5 & ES-8).

Mercury Rule: 2016 estimates. Source: "Regulatory Impact Analysis for Final Mercury and Air Toxics Standards," Environmental Protection Agency, December 2011 (Tables ES-1 & ES-4).

Ozone Rule: 2025 estimates. Source: "Regulatory Impact Analysis of the Proposed Reductions to the National Ambient Air Quality Standards for Ground-Level Ozone," Environmental Protection Agency, November 2014 (Tables ES-6 & 5-1).|

Many states and localities are already in compliance with established national ambient air quality standards (NAAQS) for NO_x, SO_x and particulate matter. By claiming benefits from further reducing these below the established safe level, EPA is, in effect, lowering the established standard without going through the legal requirements of a rulemaking focused on the relevant standard. EPA is adopting a regulation for carbon, mercury, or ozone that does not yield enough benefits to justify the cost. Instead, the agency is using supposed benefits from reduction of NO_x, SO_x, or PM to justify the cost. In so doing, EPA is taxing localities that are already in compliance with the established NAAQS and forcing on these communities further reductions not justified by independent safety and health considerations.

Particulate matter, SO_x, and NO_x, are already regulated under their own sets of rules. If EPA believes that levels of these substances should be lower, it should propose rules to lower them, and it should follow federal administrative law by providing public notice and incorporating public comment on their cost-benefit analyses.

⁵ U.S. Environmental Protection Agency (2014). "Regulatory Impact Analysis of the Proposed Revisions to the National Ambient Air Quality Standards for Ground -Level Ozone." <http://www.epa.gov/ttnecas1/regdata/RIAs/20141125ria.pdf>

2. Double-Counting of Health Benefits from Particulates

It is not clear that EPA is accurately accounting for all of its claims of particulate matter reduction benefits across its many rulemakings that rely on PM co-benefits. The national PM inventory published by EPA is finite, and EPA needs to account for how much of that inventory has been prospectively eliminated by each of its rulemakings. Without better EPA bookkeeping, we have no assurance that they are not double counting reductions.

For instance, even if reductions in particulates can be counted as one of the health benefits of reducing mercury, the first of three major rules put in place by EPA, the agency cannot then count these same reductions as a benefit from subsequently reducing carbon dioxide and ozone. The benefits will already have accrued, and so cannot be counted as a benefit from reducing the other substances. Yet EPA seems to be using the same set of benefits to justify multiple rules.

Excess PM (above the NAAQS) is present only in certain places and at certain times, and EPA has not established that the PM reductions they are counting as co-benefits correspond to the appropriate places and times. Reducing PM somewhere that it is already low is not much of a benefit if the excessive PM elsewhere is unaffected. EPA seems to be taking a scatter-shot approach to a problem where careful targeting would be more economically efficient and appropriate

3. Assumption that All Particulates Are Equally Harmful

EPA makes oversimplifying assumptions with regard to particulates which inflate the benefits of the Clean Power Plan. Namely, the agency assumes that all particulates are equally harmful. The Regulatory Impact Analysis for the Clean Power Plan states: “[W]e assume that all fine particles, regardless of their chemical composition, are equally potent in causing premature mortality.” That is because “the scientific evidence is not yet sufficient to allow differentiation of effect estimates by particle type.”⁶ If the scientific evidence is inconclusive on particulates, why put in place costly regulations that raise energy costs?

⁶ U.S. Environmental Protection Agency (2015). “Regulatory Impact Analysis for the Clean Power Plan Final Rule.” <http://www.epa.gov/airquality/cpp/cpp-final-rule-ria.pdf>

4. Assumption that Reductions in Particulates Have Equal Value Independent of Base Level

EPA is supposed to set standards at the levels most protective of human health, including a margin for safety. When EPA set the PM 2.5 annual average standard at 15 micrograms per cubic meter, the implication is that levels below that are safe. If EPA claims health co-benefits for reductions in areas where the starting level was already below 15, it seems to be saying that the real standard should be lower than 15. If that is so, EPA should initiate a rulemaking proceeding to lower the PM standard with public notice and comment.

Instead, EPA in these new rules is implicitly saying that the current PM standard, the result of public notice and comment, is wrong. Yet nowhere in the new rules does EPA explain why the standard of 15 is wrong, much less what the new standard should be. By setting no threshold and counting reductions in PM no matter the initial level, EPA is implicitly saying the standard should be zero — which is of course unattainable. EPA also has no evidence or rule to justify this level. Does EPA mean that we should live our lives in plastic bubbles because free air is unsafe to breathe?

EPA assumes that reductions in particulates have the same effect in polluted areas as clean ones. EPA appears to say that the same health benefits are achieved by reducing particulates by a given percentage starting from a high level of emissions as starting from a low level of emissions. This leads to the conclusion that a reduction in particulates in upstate New York, which has few emissions, is equal to those in New York City, which has greater emissions.

5. Reliance on Benefits from Reductions in Asthma

The benefits, calculated at \$36 billion to \$88 billion each year⁷ from the mercury rule, \$19 billion to \$38 billion from ozone, and \$10 billion to \$19 billion from carbon, supposedly come from improvements in Americans' health, mostly from decreases in asthma. But these projected benefits are "guesstimates," gains that are hard to specify given that other factors, such as obesity and lack of exercise, are in play.

⁷ These figures are in 2011 dollars for consistency with the other EPA estimates.

These vast projected savings from asthma constitute the bulk of benefits from EPA's new rules. However, America's air has been gradually getting cleaner since 1980, as EPA's own data show, but the number of children with asthma has risen. According to the Centers for Disease Control, 3.6 percent of children had asthma in 1980, and more than twice that percentage, 7.5 percent, in 1995.⁸ In 2009, using a slightly different measure, 10 percent of children had asthma.⁹ CDC acknowledges that "the causes of asthma remain unclear and the current research paints a complex picture."¹⁰ Yet EPA forecasts 130,000 fewer asthma cases from its new mercury rule,¹¹ 320,000 from ozone,¹² and 48,000 from carbon,¹³ mostly from fewer particulates.

Many studies suggest that obesity increases the prevalence of asthma.¹⁴ If recent trends in obesity and lack of exercise continue, then further improvements in air quality might not have an effect in reducing asthma.

Problems with Costs

EPA understates the costs of the Clean Power Plan. In its Regulatory Impact Analysis, EPA distinguishes between social costs, which are "the total economic burden of a regulatory action," and compliance costs, which are the costs that companies have to spend conforming to the Clean Power Plan. The only costs included are compliance costs. EPA states: "The social costs of a regulatory action will not necessarily be equivalent to the expenditures associated with compliance. Nonetheless, here we use compliance costs as a proxy for social costs."¹⁵

⁸ Lara Akinbani (2006). "The State of Childhood Asthma, United States, 1980-2005." *Centers for Disease Control*. <http://www.cdc.gov/nchs/data/ad/ad381.pdf>

⁹ Ibid.

¹⁰ Ibid. [www.eia.gov](#)

¹¹ U.S. Environmental Protection Agency (2011). "Regulatory Impact Analysis for the Final Mercury and Air Toxics Standards." <http://www.epa.gov/ttnecas1/regdata/RIAs/matsriafinal.pdf>

¹² U.S. Environmental Protection Agency (2014). "Regulatory Impact Analysis of the Proposed Revisions to the National Ambient Air Quality Standards for Ground-Level Ozone." <http://www.epa.gov/ttnecas1/regdata/RIAs/20141125ria.pdf>

¹³ Energy Information Administration (2014). "U.S. Energy-Related Carbon Dioxide Emissions, 2013." <http://www.eia.gov/environment/emissions/carbon/>

¹⁴ J Delgado et al. (2008). "Obesity and Asthma." *U.S. National Library of Medicine*. <http://www.ncbi.nlm.nih.gov/pubmed/19123432>

¹⁵ Energy Information Administration (2014). "U.S. Energy-Related Carbon Dioxide Emissions, 2013." <http://www.eia.gov/environment/emissions/carbon/>

1. Future Increases in Electricity Prices Not Fully Accounted For

A major economic cost of the rule is energy-price increases caused by shifting from cheaper forms of energy, such as coal and natural gas, to more expensive sources, such as wind and solar power. Although EPA admits that “energy-efficiency expenditures may be borne by end-users through direct participant expenditures or electricity-rate increases, or by producers through reductions in their profits,” those costs are not counted in the cost-benefit analysis.¹⁶

Moreover, higher energy costs translate into a smaller American economy with lower economic growth and fewer American jobs. EPA does not discuss, much less calculate, the broader economic costs of higher energy prices.

2. Neglect of Effects on Small Business

EPA's analysis also shows misleading effects on small businesses. Since EPA does not count the increase in electricity prices and the consequent lower economic growth and reduction in jobs as costs, EPA Administrator Gina McCarthy erroneously states in the Clean Power Plan final rule that "I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA [Regulatory Flexibility Act]. This action will not impose any requirements on small entities."¹⁷

But small entities will be affected in many ways under the new rules. For instance, as electricity prices rise, all businesses, including small businesses, will face higher costs and thus reduced activities. Reduced business activity means fewer businesses, and fewer employees for those businesses, including small businesses, that remain open. Fewer new businesses, including small businesses, will be formed. Some companies dependent on energy might relocate offshore.

The indirect effects from higher electricity prices are also substantial. With fewer employed workers in the economy, there will be less demand for even non-energy-intensive services such as restaurants and entertainment.

¹⁶ U.S. Environmental Protection Agency (2015). "Carbon Pollution Emission Guidelines for Existing Stationary Sources." <http://www2.epa.gov/sites/production/files/2015-08/documents/cpp-final-rule.pdf>

¹⁷ U.S. Environmental Protection Agency (2015). "Carbon Pollution Emission Guidelines for Existing Stationary Sources." <http://www2.epa.gov/sites/production/files/2015-08/documents/cpp-final-rule.pdf>

3. Use of Maximum Achievable Control Technology

Maximum Achievable Control Technology means that plants and boilers have to use the most stringent methods possible to get the heavy metals out of the air, even if these methods cost billions of dollars and the benefits are worth far less — as is the case with the new utility rule. MACT, as it is known, does not have to account for costs and benefits. That’s why many productive plants will have to close.

Mercury and arsenic are well-known to the public as toxic, and in certain doses can be lethal. But the new EPA mercury rules would push emissions caps unnecessarily low, driving up generating costs and the price of power to industry and households, and forcing some boilers and plants to shut down.

Susan Dudley, director of the Regulatory Studies Center at George Washington University, writing about the proposed mercury rule, said, “If the enormous public benefits EPA predicts from these mercury standards were real, they would justify the cost to Americans of almost \$11 billion per year. Unfortunately, they are not.”¹⁸

4. Omits Costs of Energy-Intensive Industry Going Offshore

EPA’s object in reducing amounts of greenhouse gasses emitted by the United States is to counteract climate change. The benefits in EPA’s analysis assume that all of these emissions disappear from the globe and that the certain sources of energy for electricity production and manufacturing, such as coal, will be replaced by renewables such as solar and wind energy.

It is far more likely that a large amount of manufacturing will leave the United States than use more-costly renewables. Activity will shift offshore, to countries with fewer emissions controls, such as China, India, and Latin America. Some of these countries, such as China, not only have fewer emissions regulations but dirtier coal, with more lignite. The United States has benefitted from an influx of energy-intensive manufacturing from Germany — this activity can easily move again. Capital is mobile in a global economy.

¹⁸ Susan Dudley (2011). “EPA Misrepresents Mercury Rule Benefits.” *National Journal*.
<http://energy.nationaljournal.com/2011/12/sizing-up-epas-mercury-rules.php#2138722>

Should this occur, greenhouse gas emissions not only would not decline, but might actually increase. This should be included in EPA's calculations.

Problems with Discount Rate

When investments are made over a multi-year period, investors evaluate the project by “discounting” the future costs and benefits to the present. This is because a dollar is not worth the same to an investor in the future as it is in the present. You would not spend a dollar today to get a dollar’s worth of benefits in 2025, because a dollar invested today in the stock market could grow to \$2.59 in 2025.¹⁹ Most businesses use a discount rate that primarily reflects their cost of capital. For example, the cost of capital for Apple, one of the largest corporations in America, was 9.85 percent on October 19, 2015.²⁰ Although businesses have different costs of capital and different discount rates, smaller and privately-held firms would tend to have higher discount rates than larger, publicly held companies such as Apple. Some firms use higher rates, and some use lower rates, but none would undertake long-term investments at artificially low discount rates based on dubious long-term projections.

The Office of Management and Budget allows EPA to make two changes to standard business procedures. First, OMB allows the use of two low nominal rates, 7 percent and 3 percent.²¹ Few firms would use such low rates, particularly the 3 percent rate.

Second, OMB allows EPA to present its cost-benefit analysis with the costs discounted, but not the benefits.²² This is an extraordinary error, one that a college freshman in an economics class would not make. The result is not only wrong, but it makes the rules appear less damaging than they are.

¹⁹ This calculation is based on a 10-year average return over the past 50 years.

²⁰ See gurufocus.com, accessed October 19, 2015, at

<http://www.gurufocus.com/term/wacc/AAPL/Weighted%252BAverage%252BCost%252BOf%252BCapital%252B%252528WACC%252529/Apple%2BInc.> 꺾

²¹ KPMG Office of Management and Budget (2011). "Regulatory Impact Analysis: A Primer."

https://www.whitehouse.gov/sites/default/files/omb/inforeg/regpol/circular-a-4_regulatory-impact-analysis-a-primer.pdf

²² Ibid.

1. Discount rates are below standard business rates

Consider first the low rates. With a discount rate of 3 percent, a \$100 million cost today would have costs of \$134 million in 2025, 10 years hence. With a discount rate of 7 percent, the \$100 million cost today would be \$197 million in 2025. However, if a more accurate rate is 10 percent, the project has higher costs in the future and would have to yield \$259 million in benefits to be worthwhile. The lower the discount rate, the better the EPA rules look on paper.

2. Benefits are discounted at different rates

EPA discounts climate benefits and health co-benefits at different rates. While health benefits are estimated at discount rates of 3 percent and 7 percent, as recommended by the Office of Management and Budget, EPA does not apply any discount rate higher than 5 percent to the climate benefits.

This is critical because, by EPA's own admission, the so-called "social cost of carbon" used to quantify climate benefits is highly sensitive to the discount rate used. For example, a metric ton of carbon will impose \$51 in economic costs in 2025 using a 3 percent discount rate, but only \$16 using a 5 percent rate.²³ Using a higher discount rate would reduce estimated benefits substantially.

EPA justifies this by admitting that climate benefits are sensitive to discount rates, and also claiming that “no consensus exists on the appropriate rate to use in an intergenerational context.”²⁴ The Office of Management and Budget, which issues guidelines to regulatory agencies on how to perform cost-benefits analysis, admits this but still recommends that regulatory agencies estimate costs and benefits using both 3 percent and 7 percent discount rates.²⁵ With regard to climate benefits, however, EPA neglects this second recommendation.

According to Kevin Dayaratana of the Heritage Foundation, using the OMB-recommended 7 percent discount rate for the social cost of carbon would reduce

²³ U.S. Environmental Protection Agency (2015). “Social Cost of Carbon.”
<http://www3.epa.gov/climatechange/Downloads/EPAactivities/social-cost-carbon.pdf>

²⁴ U.S. Environmental Protection Agency (2015). “Regulatory Impact Analysis for the Clean Power Plan Final Rule.” <http://www.epa.gov/airquality/cpp/cpp-final-rule-ria.pdf>

²⁵ U.S. Office of Management and Budget (2011). “Regulatory Impact Analysis: A Primer.”
https://www.whitehouse.gov/sites/default/files/omb/inforeg/regpol/circular-a-4_regulatory-impact-analysis-a-primer.pdf

the estimated benefits of carbon reduction to less than \$10 per metric ton.²⁶ Under a reasonable set of changes to assumptions, the social cost of carbon becomes negative, suggesting that there are benefits to carbon dioxide emissions. This underscores the high unreliability of social cost of carbon estimates and calls into question whether such estimates should be incorporated into cost-benefit analysis at all.

Why Cost-Benefit Analysis Matters

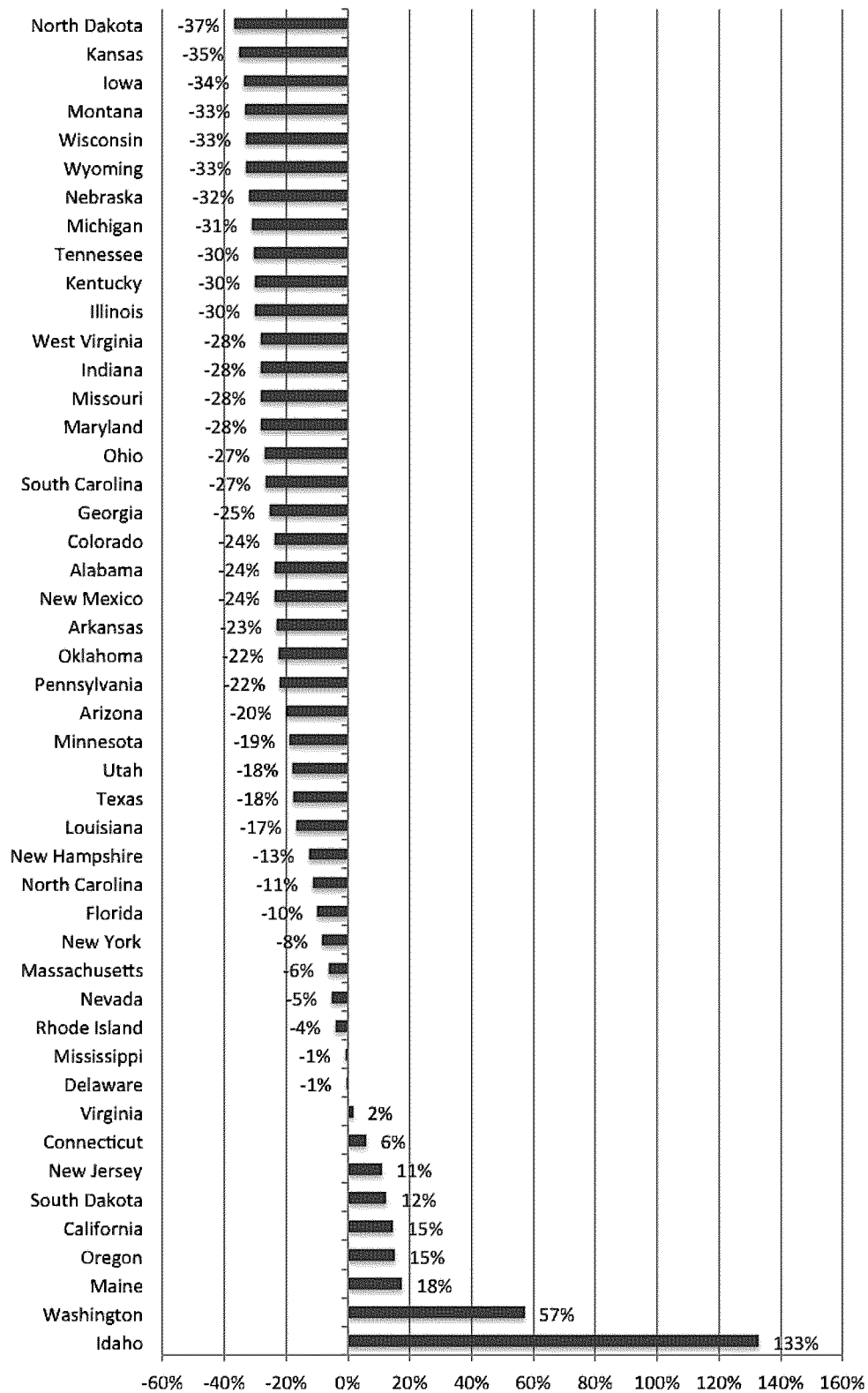
Cost-benefit analysis may appear to be some arcane methodology practiced by economists, but its results have real consequences. EPA's flawed cost-benefit analysis has the effect that costly rules are imposed on the public without sufficient understanding of the consequences. These consequences include a decline in economic activity and, as a result, employment. President Obama has frequently voiced his opposition to offshoring jobs, and threatened to punish companies for doing so, but EPA's new rules will give firms a new incentive to take energy-intensive manufacturing offshore.

This decline in economic activity is measurable, and is not uniform across states. According to EPA's own calculations, Midwestern states will be required to reduce emissions by up to 37 percent from 2005 levels from the carbon rule alone, while coastal states such as Washington and California will be allowed to increase emissions.²⁷ Republican states have to reduce emissions the most, and Democratic states will have to reduce them the least. This can be seen in the table below.

²⁶ Kevin Dayaratana (2015). "An Analysis of the Obama Administration's Social Cost of Carbon." *Testimony before Committee on Natural Resources, United States House of Representatives*.
<http://naturalresources.house.gov/uploadedfiles/dayaratnatestimony.pdf>

²⁷ Preston Cooper (2015). "The Disparate Effect of Clean Power Plan Goals." *Economics21*.
<http://economics21.org/commentary/disparate-effect-clean-power-plan-goals>. Sourced from U.S. Environmental Protection Agency (2015). "Clean Power Plan State-Specific Fact Sheets." <http://www2.epa.gov/cleanpowerplantoobox/clean-power-plan-state-specific-fact-sheets>

Change in CO2 Emissions Under Clean Power Plan, 2012-2030



Of the 38 states that will be forced to reduce emissions, reductions vary from 37 percent in North Dakota to 1 percent in Delaware and Mississippi. Nine states, such as Idaho, Washington, Maine, Oregon, and California will be able to increase their CO2 emissions. Hawaii and Alaska are exempt from the program.

Of the 10 states which will have to reduce emissions the most, 7 voted for Romney in 2012, and the others all voted for Obama by a margin of less than 10 percent. Of the 10 states which will have to reduce the least (or have leeway to increase emissions), 8 voted for Obama in 2012.

Employment in these Republican states will decline, and employment in Democratic states will increase. This means fewer voters in Republican states and more voters in Democratic states.

The decline in employment would occur for the following reason. EPA gives states choice of a “rate-based approach,” where states reduce emissions from their power plants, or a “mass-based approach,” where other sources of carbon, such as from manufacturing, can be lowered to count towards the reductions needed for power plants. States can combine in regions for the “mass-based approach” and it is less expensive to follow. States can meet the targets by reducing consumer demand or investing in more costly renewable energy such as wind and solar power. These impose real costs on the economy, such as fewer factories, trips, and jobs. Electricity made from solar power costs twice as much as electricity made from natural gas.

Coal-fired electricity generation accounted for 39 percent of total U.S. electricity generation in 2013, according to the Energy Information Administration.²⁸ It expects the role of coal to decline only slightly in the years ahead, to 34 percent in 2035. To meet the rules, new coal plants would have to incorporate carbon capture and sequestration technology, at a cost of billions of dollars a year for consumers. Many would close. Raising the cost of energy would be particularly tough on Midwestern states’ residents, who get much of their electricity from coal.

²⁸ Energy Information Administration (2015). “Annual Energy Outlook 2015.”
[http://www.eia.gov/forecasts/aeo/pdf/0383\(2015\).pdf](http://www.eia.gov/forecasts/aeo/pdf/0383(2015).pdf)

Such job declines were forecast five years ago by the Congressional Budget Office when Congress was debating the cap-and-trade plans proposed by Senators John Kerry and Joe Lieberman and Representatives Ed Markey (now a Senator, and ranking Member on this Committee) and Henry Waxman. These bills did not pass even in a Democratic Congress with a Democratic president who supported them. Now EPA has instituted the essence of the cap-and-trade bills through regulation.

In May 2010, CBO issued a report entitled *How Policies to Reduce Greenhouse Gas Emissions Could Affect Employment*.²⁹ It concluded that “job losses in the industries that shrink would lower employment more than job gains in other industries would increase employment, thereby raising the overall unemployment rate.”

The CBO report shows that emissions reduction programs would cause job losses in coal mining, oil and gas extraction, gas utilities, and petroleum refining. In addition, workers’ wages adjusted for inflation would be lower than otherwise because of the increase in prices due to a cap and trade program. CBO concludes that some workers, therefore, would leave the labor market, because at the new lower wages they would prefer to stay home.

According to CBO, “While the economy was adjusting to the emission-reduction program, a number of people would lose their job, and some of those people would face prolonged hardship.” Workers laid off in declining industries would find it hard to get new jobs. This is not in the interests of many Americans, especially when the labor market is weak and air quality is continuing to improve.

Then, in December 2013, another CBO report stated, “Imposing an economy-wide carbon tax or cap-and-trade program would put the U.S. firms most affected – those that are emission-intensive – at a competitive disadvantage relative to their competitors in other countries unless those countries implemented similar policies.”³⁰

²⁹ Congressional Budget Office (2010). “How Policies to Reduce Greenhouse Gas Emissions Could Affect Employment.” <http://www.cbo.gov/publication/41257>

³⁰ Congressional Budget Office (2013). “Border Adjustments for Economywide Policies That Impose a Price on Greenhouse Gas Emissions.” <http://www.cbo.gov/sites/default/files/cbofiles/attachments/44971-GHGandTrade.pdf>

CBO explained, “Such a policy would impose costs on domestic firms, allowing foreign producers from countries with less stringent policies, or no policy at all, to charge less for their goods than U.S. producers.”

EPA’s Stationary Sources report for the carbon rule spells out some job losses. According to the report, “EPA recognizes as more efficiency is built into the US power system over time, lower fuel requirements may lead to fewer jobs in the coal and natural gas extraction sectors...”³¹

EPA estimates that the rule could result in a net decrease of approximately 31,000 full-time jobs in 2030 for the final guidelines under the rate-based illustrative plan approach and approximately 34,000 full-time jobs under the mass-based approach. In addition, 52,000 to 83,000 jobs would be lost in 2030 due to lower demand from the higher electricity prices.³²

These job-loss projections are likely to be a substantial underestimate. The economic consulting firm NERA estimated that EPA’s carbon rule alone would cause delivered electricity prices to rise by an average of 17 percent. Over a fifteen-year period, this would increase consumer energy costs by a cumulative \$479 billion.³³ Reducing ozone and mercury would increase the costs still further. Rather than continuing the trend of manufacturing returning to America, EPA’s rules would reverse it by discouraging energy-intensive manufacturing.

Some might say that the factors I have discussed above are unimportant. But with EPA’s goal of reducing carbon emissions from the utility sector by 32 percent from 2005 levels by 2030,³⁴ reducing atmospheric concentration of ozone to 70 ppb,³⁵ and preventing 90 percent of the mercury stored in coal from being

www.epa.gov/airquality/cpp/cpp-final-rule.pdf

³¹ U.S. Environmental Protection Agency (2015). “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units.”

<http://www.epa.gov/airquality/cpp/cpp-final-rule.pdf>

³² U.S. Environmental Protection Agency (2015). “Regulatory Impact Analysis for the Clean Power Plan Final Rule.” <http://www.epa.gov/airquality/cpp/cpp-final-rule-ria.pdf>

³³ David Harrison Jr. et al. (2014). “Potential Energy Impacts of EPA Proposed Clean Power Plan.” *NERA Economic Consulting*.

http://www.nera.com/content/dam/nera/publications/2014/NERA_ACCCE_CPP_Final_10.17.2014.pdf

³⁴ U.S. Environmental Protection Agency (2015). “Overview of the Clean Power Plan.”

<http://www.epa.gov/airquality/cpp/fs-cpp-overview.pdf>

³⁵ U.S. Environmental Protection Agency (2015). “National Ambient Air Quality Standards for Ozone.” <http://www3.epa.gov/ozonepollution/pdfs/20151001fr.pdf>

emitted into the air,³⁶ it is vital to have an accurate evaluation of the benefits and costs. If emissions exceed EPA's requirements, a state or group of states would be required to shut down power plants or other energy-intensive manufacturing.

Although greenhouse-gas emissions from power plants declined 15 percent from 2005 to 2013, EPA is using flawed cost-benefit analysis to make further changes seem worthwhile. The carbon intensity of the economy – a measure of carbon emissions per dollar of GDP – has fallen by 23 percent since 2005, continuing a long decline since the end of the Second World War.³⁷ Absent heavy regulatory intervention, the United States is already making great strides towards a cleaner economy.

EPA uses faulty methodology to justify its rules. It claims that the rule is justified, but its regulatory impact analysis minimizes the costs and exaggerates the benefits. Congress should act to control the costs of regulation.

Thank you for allowing me to testify today.

$\begin{matrix} \text{폼} & \square & \eta \\ \text{폼} & \square & \eta \end{matrix}$

[illegible]

³⁶ U.S. Environmental Protection Agency (2015). "Mercury and Air Toxics Standards for Power Plants." <http://www3.epa.gov/mats/pdfs/20111221MATSummaryvfs.pdf>

³⁷ Energy Information Administration (2014). "U.S. Energy-Related Carbon Dioxide Emissions, 2013." <http://www.eia.gov/environment/emissions/carbon/>

To: deFressine, Kara[Kara.deFressine@FoxBusiness.com]
From: Freire, JP
Sent: Wed 4/12/2017 4:41:40 PM
Subject: RE: EPA Administrator Scott Pruitt on the Intelligence Report today

Hey Kara,

Thought you might find this useful--this isn't a demand or anything, just something we do to help shows script, etc. Looking forward to the hit!

-JP

OPENER SUGGESTION

EPA has been out of control. Unpredictable regulation that's been questioned by the Supreme Court and out of control spending that includes thousands of taxpayer dollars on gym memberships.

The Trump Administration has a new sheriff at the EPA, and now, Administrator Pruitt is changing the way EPA does business. Most recently, President Trump himself showed up at EPA with a crew of coal miners to sign an executive order calling for greater energy independence and to roll back the Clean Power Plan. The White House even held an innovation summit with top business leaders and members of his cabinet to demonstrate his pro-growth agenda.

Joining us now, Administrator Scott Pruitt, who was at that meeting and has been advancing the President's agenda at an agency that's been pretty antagonistic to energy producers and the jobs they create.

HIGHLIGHTS

- Pruitt has been working closely with the President to roll back unnecessary regulations--just this week, EPA's newly created Regulatory Reform Task Force put a notice in the Federal Register for public comment on which regulations to throw out.
- Pruitt hosted President Trump at EPA to sign an Executive Order on Energy Independence, which calls for a review and possible rollback of former President Obama's cornerstone activist regulation, the so-called Clean Power Plan, which would've cost \$292 billion and killed over 125,000 American jobs.
- The Administrator has sent letters to the Governors saying they have no obligation to spend taxpayer dollars to comply with the Clean Power Plan, bringing immediate relief to the states.
- Flint, Michigan was badly handled by the last administration, and people need clean water. We're funding vital environmental projects that go directly to the health of our citizens, including \$100 million for drinking water in Flint.
- We're working on finding ways to get the federal government out of the business of regulating ponds, dry creek beds and small streams by reviewing Waters of the United States Rule (WOTUS).

More achievements of note:

- DONE. Restoration of states' important role in the regulation of water by reviewing Waters of the United States Rule
- DONE. Review of New Source Performance Standards for coal-fired power plants, which prevents companies from building new plants
- DONE. Action on the President's Energy Independence Executive Order by issuing four notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules issued by the last Administration

DONE. Reining in Clean Power Plan threatening over 125,000 U.S. jobs
DONE. Funding for vital environmental projects that go directly to the health of our citizens, including \$100 million for drinking water in Flint, Michigan
DONE. Review of effluent limitations guidelines and standards (ELG) rule, which costs an estimated \$480 million annually, with an average cost of \$1.2 billion per year during the first five years of compliance
DONE. Extension of the comment period on the Hard Rock Mining proposed rule that could cost American businesses \$171 million annually
DONE. Draft guidance on coal combustion residuals rule, estimated to cost between \$500 and \$745 million per year. Begin state permit applications this year
DONE. Review of Oil and Gas Methane New Source Performance Standards for new and modified sources, which is duplicative of state regulations
DONE. Rescinded an unjustified evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles
DONE. Working through backlog of new chemicals waiting for approval from EPA
DONE. Requested delay of oral arguments on the ozone standard
DONE. Denial of a petition seeking a ban on one of the most widely-used pesticides in the world
DONE. Liberation of businesses from the Methane Information Collection Requests Rule that cost them and the economy in excess of \$42 million
DONE. Creation of an EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions from the past administration
DONE. Delay of Risk Management Plan Rule that could endanger chemical facilities
DONE. Initiated clean-up of Superfund sites such as East Chicago, West Oakland, Pompton Lake

-----Original Message-----

From: Freire, JP
Sent: Wednesday, April 12, 2017 11:36 AM
To: 'deFressine, Kara' <Kara.deFressine@FoxBusiness.com>
Subject: RE: EPA Administrator Scott Pruitt on the Intelligence Report today

Great

-----Original Message-----

From: deFressine, Kara [mailto:Kara.deFressine@FoxBusiness.com]
Sent: Wednesday, April 12, 2017 11:27 AM
To: Freire, JP <Freire.JP@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Rose, Nick <Nick.rose@FOXNEWS.COM>; Lemus, Stephanie <stephanie.lemus@FOXBUSINESS.COM>; Kerns, Jennifer <jennifer.kerns@FOXNEWS.COM>
Subject: RE: EPA Administrator Scott Pruitt on the Intelligence Report today

Yes, Administrator Pruitt will be on set with Trish.

-----Original Message-----

From: Freire, JP [mailto:Freire.JP@epa.gov]
Sent: Wednesday, April 12, 2017 11:26 AM
To: deFressine, Kara; Ferguson, Lincoln
Cc: Rose, Nick; Lemus, Stephanie; Kerns, Jennifer
Subject: RE: EPA Administrator Scott Pruitt on the Intelligence Report today

Kara,

I wanted to clarify--we'll be in studio with the host, yes?

-----Original Message-----

From: deFressine, Kara [mailto:Kara.deFressine@FoxBusiness.com]
Sent: Wednesday, April 12, 2017 11:24 AM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Freire, JP <Freire.JP@epa.gov>; Rose, Nick <Nick.rose@FOXNEWS.COM>; Lemus, Stephanie <stephanie.lemus@FOXBUSINESS.COM>; Kerns, Jennifer <jennifer.kerns@FOXNEWS.COM>
Subject: RE: EPA Administrator Scott Pruitt on the Intelligence Report today

Great, we are excited for the interview!

-----Original Message-----

From: Ferguson, Lincoln [mailto:ferguson.lincoln@epa.gov]
Sent: Wednesday, April 12, 2017 11:19 AM
To: deFressine, Kara
Cc: Freire, JP; Rose, Nick; Lemus, Stephanie; Kerns, Jennifer
Subject: Re: EPA Administrator Scott Pruitt on the Intelligence Report today

See you then. He will not need a car.

Thanks!

Sent from my iPhone

> On Apr 12, 2017, at 9:56 AM, deFressine, Kara <Kara.deFressine@FoxBusiness.com> wrote:
>
> Morning everyone,
> We are looking forward to having EPA Administrator Scott Pruitt on "The Intelligence Report with Trish Regan" today at 2:30 PM ET from our studio. I am ccing the segment producer, Nick Rose. Please let me know if you have any questions, thank you.
>
> Here are your details:
>
> HIT TIME: 2:30 PM ET, so please be ready to go on air no later than 2:10 PM ET.
>
>
> LOCATION/STUDIO: 1211 Ave of Americas, New York, NY 10036
>
>
> TOPIC: The 20 CEOs at the White House, WOTUS/Energy Independence executive orders. Plus, we would like to ask him the report about Environmental Protection Agency employees billing taxpayers roughly \$15,000 for gym memberships (back in 2016 - before the Trump administration) which ties in with the overall theme of "EPA Originalism" and bringing the agency back to its core mission.
>
>
> REFERENCE LINK:
> https://urldefense.proofpoint.com/v2/url?u=http-3A__freebeacon.com_issues_epa-2Demployees-2Dbilled-2Dtaxpayers-2D15000-2Dgym-2Dmemberships-2Dvegas_&d=DwlFAg&c=cnx1hdOQtepEQkpermZGwQ&r=8v5WDbqolptRtQ_DL1h0cJADdlWw47qXWT2GGkUrfZA&m=SYkJY2cnn2QYzxp_WL4c2hx0Vgfv6eFUG59Xig-BP6A&s=7-qYRMzTIYWrbTmg3KQQON4BkZJzT3VSSnU928H6OA&e=
>
>
> CAR: Please let us know if he will need a car today. (If so, we'll need the pick-up address and cellphone number for the driver.)
>
>
> -----Original Message-----

> From: Kerns, Jennifer
> Sent: Wednesday, April 12, 2017 7:16 AM
> To: ferguson.lincoln@epa.gov
> Cc: deFressine, Kara
> Subject: Contact for EPA Administrator Scott Pruitt
>
> Hi Lincoln, We're delighted to have EPA Administrator Scott Pruitt on with Trish today! As promised, connecting you with one of our top producers here, Kara. She'll be your contact for today's segment.
>
> She'll be back to you with the hit time after the team's 9am meeting, but I wanted to connect the two of you here first.
>
> Kara- Mr. Pruitt has agreed to talk about the meeting with the 20 CEOs at the White House, and has also offered to talk about WOTUS/Energy Independence executive orders and the overall theme of "EPA Originalism," bring the agency back to its core mission.
>
> Thank you both!
>
>
> Sent from my iPhone
>
> This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

To: hklein@artesiachamber.com[hklein@artesiachamber.com]
Cc: Graham, Amy[graham.amy@epa.gov]
From: Brennan, Thomas
Sent: Fri 5/5/2017 12:18:58 PM
Subject: Ozone follow up from EPA
Background on ozone and NM 2017 final version.docx

Hello Hayley,

It was nice to meet you and your team on Monday. Attached is a one pager on Ozone that I hope will be helpful in answering some of the questions you had for us. Feel free to reach out if you wish to discuss further.

Best regards,

Tom Brennan

Acting-Associate Administrator, Office of Public Engagement and Environmental Education

US EPA

Phone - [Ex. 6 - Personal Privacy]

Cell # - [Ex. 6 - Personal Privacy]

May 4, 2017

**Update on
National Ambient Air Quality Standards (NAAQS, pronounced KNACKS)
for ground-level ozone**

Background

On Oct. 1, 2015, EPA strengthened the National Ambient Air Quality Standards (NAAQS) for ground-level ozone to 70 parts per billion (ppb), based on extensive scientific evidence about ozone's effects on public health and welfare.

2015 Ozone NAAQS Litigation Update


- Several states, industry groups, and environmental and health organizations have filed challenges to the 2015 ozone NAAQS in the DC Circuit court of appeals, arguing, on the one side, that the standards are too stringent and, on the other, that they are not stringent enough.
- The case is fully briefed, but oral argument has not yet occurred.
- EPA filed a motion to postpone oral argument to give new officials time to fully review the 2015 rule revising the ozone NAAQS and to determine whether to reconsider all or part it.
- On April 11, the court granted EPA's request, held the case in abeyance and directed EPA to file status reports every 90 days on its review of the 2015 rule.
- EPA has not yet made a decision on whether to reconsider the 2015 rule, and the 2015 ozone NAAQS remain in effect

Ozone NAAQS Implementation

- On September 22, 2016, Governor Martinez submitted recommendations for which areas in New Mexico are meeting ("attaining") and not meeting the 2015 standard for ozone. She asserted in her letter that some of the ozone air pollution problem registered by monitors in Dona Ana County, NM is caused by emissions from Mexico.
- EPA will consider the most recent air quality data as we designate areas as "attainment" or "nonattainment" for the ozone standard.
- For the 2015 NAAQS, state implementation plans addressing the applicable infrastructure requirements of the Clean Air Act will be due in October 2018.

To: Graham, Amy[graham.amy@epa.gov]
From: Rob Stein
Sent: Mon 6/26/2017 10:35:23 PM
Subject: Fwd: npr query
[ATT00001.htm](#)
[air_pollution.pdf](#)
[ATT00002.htm](#)
[air_pollution_editorial.pdf](#)
[ATT00003.htm](#)

Here it is again.

 Rob Stein | *Correspondent/Senior Editor* | rstein@npr.org | Ex. 6 - Personal Privacy
[@robsteinnews](#)

Begin forwarded message:

From: Rob Stein <RStein@npr.org>
Date: June 23, 2017 at 11:54:32 AM EDT
To: "press@epa.gov" <press@epa.gov>, "valentine.julia@epa.gov" <valentine.julia@epa.gov>
Subject: npr query

Hi,

I'm working on a story about the attached research, which is being published next week in the New England Journal of Medicine. It's embargoed until 5 pm Wednesday, June 28. I was wondering if someone from EPA would be available to do an interview for my story.

Rob

Air Pollution and Mortality in the Medicare Population

Qian Di, M.S., Yan Wang, M.S., Antonella Zanobetti, Ph.D., Yun Wang, Ph.D., Petros Koutrakis, Ph.D.,
Christine Choirat, Ph.D., Francesca Dominici, Ph.D., and Joel D. Schwartz, Ph.D.

ABSTRACT

BACKGROUND

Studies have shown that long-term exposure to air pollution increases mortality. However, evidence is limited for air-pollution levels below the most recent National Ambient Air Quality Standards. Previous studies involved predominantly urban populations and did not have the statistical power to estimate the health effects in underrepresented groups.

METHODS

We constructed an open cohort of all Medicare beneficiaries (60,925,443 persons) in the continental United States from the years 2000 through 2012, with 460,310,521 person-years of follow-up. Annual averages of fine particulate matter (particles with a mass median aerodynamic diameter of less than 2.5 μm [$\text{PM}_{2.5}$]) and ozone were estimated according to the ZIP Code of residence for each enrollee with the use of previously validated prediction models. We estimated the risk of death associated with exposure to increases of 10 μg per cubic meter for $\text{PM}_{2.5}$ and 10 parts per billion (ppb) for ozone using a two-pollutant Cox proportional-hazards model that controlled for demographic characteristics, Medicaid eligibility, and area-level covariates.

RESULTS

Increases of 10 μg per cubic meter in $\text{PM}_{2.5}$ and of 10 ppb in ozone were associated with increases in all-cause mortality of 7.3% (95% confidence interval [CI], 7.1 to 7.5) and 1.1% (95% CI, 1.0 to 1.2), respectively. When the analysis was restricted to person-years with exposure to $\text{PM}_{2.5}$ of less than 12 μg per cubic meter and ozone of less than 50 ppb, the same increases in $\text{PM}_{2.5}$ and ozone were associated with increases in the risk of death of 13.6% (95% CI, 13.1 to 14.1) and 1.0% (95% CI, 0.9 to 1.1), respectively. For $\text{PM}_{2.5}$, the risk of death among men, blacks, and people with Medicaid eligibility was higher than that in the rest of the population.

CONCLUSIONS

In the entire Medicare population, there was significant evidence of adverse effects related to exposure to $\text{PM}_{2.5}$ and ozone at concentrations below current national standards. This effect was most pronounced among self-identified racial minorities and people with low income. (Supported by the Health Effects Institute and others.)

From the Departments of Environmental Health (Q.D., Yan Wang, A.Z., P.K., J.D.S.) and Biostatistics (Yun Wang, C.C., F.D.), Harvard T.H. Chan School of Public Health, Boston. Address reprint requests to Dr. Dominici at Harvard T.H. Chan School of Public Health, Biostatistics Department, Bldg. 2, 4th Fl., 655 Huntington Ave., Boston, MA 02115, or at fdominic@hsph.harvard.edu.

N Engl J Med 2017;376:2513-22.

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A Quick Take
is available at
NEJM.org

The adverse health effects associated with long-term exposure to air pollution are well documented.^{1,2} Studies suggest that fine particles (particles with a mass median aerodynamic diameter of less than 2.5 μm [$\text{PM}_{2.5}$]) are a public health concern,³ with exposure linked to decreased life expectancy.⁴⁻⁶ Long-term exposure to ozone has also been associated with reduced survival in several recent studies, although evidence is sparse.^{4,7-9}

Studies with large cohorts have investigated the relationship between long-term exposures to $\text{PM}_{2.5}$ and ozone and mortality^{4,9-13}; others have estimated the health effects of fine particles at low concentrations (e.g., below 12 μg per cubic meter for $\text{PM}_{2.5}$).¹⁴⁻¹⁸ However, most of these studies have included populations whose socioeconomic status is higher than the national average and who reside in well-monitored urban areas. Consequently, these studies provide limited information on the health effects of long-term exposure to low levels of air pollution in smaller cities and rural areas or among minorities or persons with low socioeconomic status.

To address these gaps in knowledge, we conducted a nationwide cohort study involving all Medicare beneficiaries from 2000 through 2012, a population of 61 million, with 460 million person-years of follow-up. We used a survival analysis to estimate the risk of death from any cause associated with long-term exposure (yearly average) to $\text{PM}_{2.5}$ concentrations lower than the current annual National Ambient Air Quality Standard (NAAQS) of 12 μg per cubic meter and to ozone concentrations below 50 parts per billion (ppb). Subgroup analyses were conducted to identify populations with a higher or lower level of pollution-associated risk of death from any cause.

METHODS

MORTALITY Data

We obtained the Medicare beneficiary denominator file from the Centers for Medicare and Medicaid Services, which contains information on all persons in the United States covered by Medicare and more than 96% of the population 65 years of age or older. We constructed an open cohort consisting of all beneficiaries in this age group in the continental United States from 2000 through 2012, with all-cause mortality as the outcome. For each beneficiary, we extracted

the date of death (up to December 31, 2012), age at year of Medicare entry, year of entry, sex, race, ZIP Code of residence, and Medicaid eligibility (a proxy for low socioeconomic status). Persons who were alive on January 1 of the year following their enrollment in Medicare were entered into the open cohort for the survival analysis. Follow-up periods were defined according to calendar years.

ASSESSMENT of Exposure to Air Pollution

Ambient levels of ozone and $\text{PM}_{2.5}$ were estimated and validated on the basis of previously published prediction models.^{19,20} Briefly, we used an artificial neural network that incorporated satellite-based measurements, simulation outputs from a chemical transport model, land-use terms, meteorologic data, and other data to predict daily concentrations of $\text{PM}_{2.5}$ and ozone at unmonitored locations. We fit the neural network with monitoring data from the Environmental Protection Agency (EPA) Air Quality System (AQS) (in which there are 1928 monitoring stations for $\text{PM}_{2.5}$ and 1877 monitoring stations for ozone). We then predicted daily $\text{PM}_{2.5}$ and ozone concentrations for nationwide grids that were 1 km by 1 km. Cross-validation indicated that predictions were good across the entire study area. The coefficients of determination (R^2) for $\text{PM}_{2.5}$ and ozone were 0.83 and 0.80, respectively; the mean square errors between the target and forecasting values for $\text{PM}_{2.5}$ and ozone were 1.29 μg per cubic meter and 2.91 ppb, respectively. Data on daily air temperature and relative humidity were retrieved from North American Regional Reanalysis with grids that were approximately 32 km by 32 km; data were averaged annually.²¹

For each calendar year during which a person was at risk of death, we assigned to that person a value for the annual average $\text{PM}_{2.5}$ concentration, a value for average ozone level during the warm season (April 1 through September 30), and values for annual average temperature and humidity according to the ZIP Code of the person's residence. The warm-season ozone concentration was used to compare our results with those of previous studies.¹⁰ In this study, "ozone concentration" refers to the average concentration during the warm season, unless specified otherwise.

As part of a sensitivity analysis, we also obtained data on $\text{PM}_{2.5}$ and ozone concentrations from the EPA AQS and matched that data with

each person in our study on the basis of the nearest monitoring site within a distance of 50 km. (Details are provided in Section 1 in the Supplementary Appendix, available with the full text of this article at NEJM.org.)

STATISTICAL Analysis

We fit a two-pollutant Cox proportional-hazards model with a generalized estimating equation to account for the correlation between ZIP Codes.²² In this way, the risk of death from any cause associated with long-term exposure to $PM_{2.5}$ was always adjusted for long-term exposure to ozone, and the risk of death from any cause associated with long-term exposure to ozone was always adjusted for long-term exposure to $PM_{2.5}$, unless noted otherwise. We also conducted single-pollutant analyses for comparability. We allowed baseline mortality rates to differ according to sex, race, Medicaid eligibility, and 5-year categories of age at study entry. To adjust for potential confounding, we also obtained 15 ZIP-Code or county-level variables from various sources and a regional dummy variable to account for compositional differences in $PM_{2.5}$ across the United States (Table 1, and Section 1 in the Supplementary Appendix). We conducted this same statistical analysis but restricted it to person-years with $PM_{2.5}$ exposures lower than 12 μg per cubic meter and ozone exposures lower than 50 ppb (low-exposure analysis) (Table 1, and Section 1 in the Supplementary Appendix).

To identify populations at a higher or lower pollution-associated risk of death from any cause, we refit the same two-pollutant Cox model for some subgroups (e.g., male vs. female, white vs. black, and Medicaid eligible vs. Medicaid ineligible). To estimate the concentration-response function of air pollution and mortality, we fit a log-linear model with a thin-plate spline of both $PM_{2.5}$ and ozone and controlled for all the individual and ecologic variables used in our main analysis model (Section 7 in the Supplementary Appendix). To examine the robustness of our results, we conducted sensitivity analyses and compared the extent to which estimates of risk changed with respect to differences in confounding adjustment and estimation approaches (Sections S2 through S4 in the Supplementary Appendix).

Data on some important individual-level covariates were not available for the Medicare co-

hort, including data on smoking status, body-mass index (BMI), and income. We obtained data from the Medicare Current Beneficiary Survey (MCBS), a representative subsample of Medicare enrollees (133,964 records and 57,154 enrollees for the period 2000 through 2012), with individual-level data on smoking, BMI, income, and many other variables collected by means of telephone survey. Using MCBS data, we investigated how the lack of adjustment for these risk factors could have affected our calculated risk estimates in the Medicare cohort (Section 5 in the Supplementary Appendix). The computations in this article were run on the Odyssey cluster, which is supported by the FAS Division of Science, Research Computing Group, and on the Research Computing Environment, which is supported by the Institute for Quantitative Social Science in the Faculty of Arts and Sciences, both at Harvard University. We used R software, version 3.3.2 (R Project for Statistical Computing), and SAS software, version 9.4 (SAS Institute).

RESULTS

COHORT Analyses

The full cohort included 60,925,443 persons living in 39,716 different ZIP Codes with 460,310,521 person-years of follow-up. The median follow-up was 7 years. The total number of deaths was 22,567,924. There were 11,908,888 deaths and 247,682,367 person-years of follow-up when the $PM_{2.5}$ concentration was below 12 μg per cubic meter and 17,470,128 deaths and 353,831,836 person-years of follow-up when the ozone concentration was below 50 ppb. These data provided excellent power to estimate the risk of death at air-pollution levels below the current annual NAAQS for $PM_{2.5}$ and at low concentrations for ozone (Table 1).

Annual average $PM_{2.5}$ concentrations across the continental United States during the study period ranged from 6.21 to 15.64 μg per cubic meter (5th and 95th percentiles, respectively), and the warm-season average ozone concentrations ranged from 36.27 to 55.86 ppb (5th and 95th percentiles, respectively). The highest $PM_{2.5}$ concentrations were in California and the eastern and southeastern United States. The Mountain region and California had the highest ozone concentrations; the eastern states had lower ozone concentrations (Fig. 1).

Table 1. Cohort Characteristics and Ecologic and Meteorologic Variables.

Characteristic or Variable	Entire Cohort	Ozone Concentration		PM _{2.5} Concentration	
		≥50 ppb [*]	<50 ppb	≥12 µg/m ³	<12 µg/m ³
Population					
Persons (no.)	60,925,443	14,405,094	46,520,349	28,145,493	32,779,950
Deaths (no.)	22,567,924	5,097,796	17,470,128	10,659,036	11,908,888
Total person-yr†	460,310,521	106,478,685	353,831,836	212,628,154	247,682,367
Median yr of follow-up	7	7	7	7	7
Average air-pollutant concentrations‡					
Ozone (ppb)	46.3	52.8	44.4	48.0	45.3
PM _{2.5} (µg/m ³)	11.0	10.9	11.0	13.3	9.6
Individual covariates‡					
Male sex (%)	44.0	44.3	43.8	43.1	44.7
Race or ethnic group (%)§					
White	85.4	86.6	85.1	82.0	88.4
Black	8.7	7.2	9.2	12.0	5.9
Asian	1.8	1.8	1.8	2.1	1.6
Hispanic	1.9	2.0	1.9	1.9	1.9
Native American	0.3	0.6	0.3	0.1	0.6
Eligible for Medicaid (%)	16.5	15.3	16.8	17.8	15.3
Average age at study entry (yr)	70.1	69.7	70.2	70.1	70.0
Ecologic variables‡					
BMI	28.2	27.9	28.4	28.0	28.4
Ever smoked (%)	46.0	44.9	46.2	45.8	46.0
Population including all people 65 yr of age or older (%)					
Hispanic	9.5	13.4	8.4	8.4	10.0
Black	8.8	7.2	9.3	13.3	6.3
Median household income (1000s of \$)	47.4	51.0	46.4	47.3	47.4
Median value of housing (1000s of \$)	160.5	175.8	156.3	161.7	159.8
Below poverty level (%)	12.2	11.4	12.4	12.5	12.0
Did not complete high school (%)	32.3	30.7	32.7	35.3	30.6
Owner-occupied housing (%)	71.5	71.3	71.6	68.6	73.2
Population density (persons/km ²)	3.2	0.7	3.8	4.8	2.2
Low-density lipoprotein level measured (%)	92.2	92.0	92.2	92.2	92.2
Glycated hemoglobin level measured (%)	94.8	94.6	94.8	94.8	94.8
≥1 Ambulatory visits (%)¶	91.7	92.2	91.6	91.7	91.7
Meteorologic variables‡					
Average temperature (°C)	14.0	14.9	13.8	14.5	13.7
Relative humidity (%)	71.1	60.8	73.9	73.7	69.6

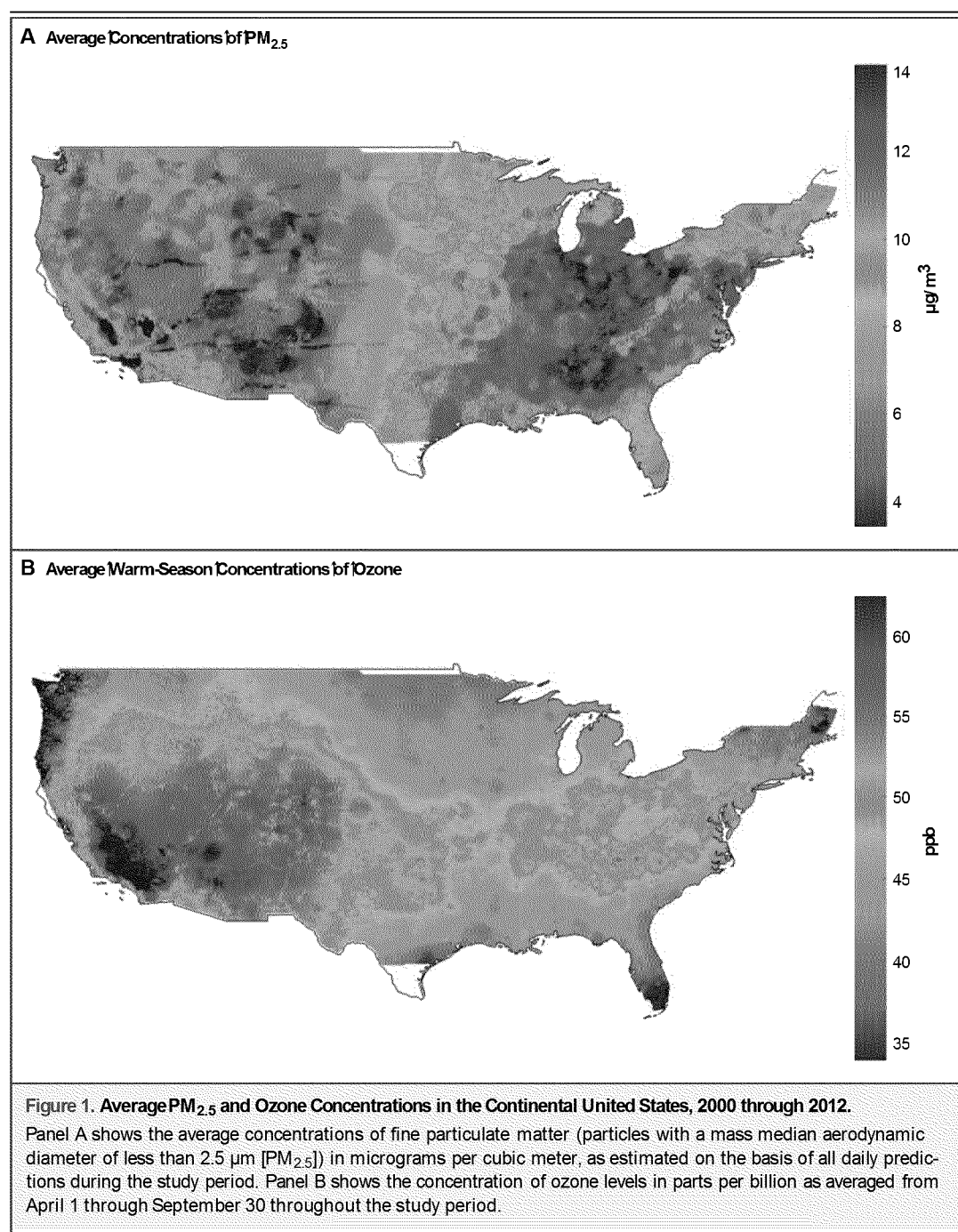
* Summary statistics were calculated separately for persons residing in ZIP Codes where average ozone levels were below or above 50 ppb and where PM_{2.5} levels were below or above 12 µg per cubic meter. The value 12 µg per cubic meter was chosen as the current annual National Ambient Air Quality Standard (NAAQS) (e.g., the “safe” level) for PM_{2.5}. BMI denotes body-mass index (the weight in kilograms divided by the square of the height in meters) and ppb parts per billion.

† The number for total person-years of follow-up indicates the sum of individual units of time that the persons in the study population were at risk of death from 2000 through 2012.

‡ The average values for air pollution levels and for ecologic and meteorologic variables were computed by averaging values over all ZIP Codes from 2000 through 2012.

§ Data on race and ethnic group were obtained from Medicare beneficiary files.

¶ The variable for ambulatory visits refers to the average annual percentage of Medicare enrollees who had at least one ambulatory visit to a primary care physician.



In a two-pollutant analysis, each increase of $10\ \mu g$ per cubic meter in annual exposure to $PM_{2.5}$ (estimated independently of ozone) and each increase of $10\ ppb$ in warm-season exposure to ozone (estimated independently of $PM_{2.5}$) was associated with an increase in all-cause mortality of 7.3% (95% confidence interval [CI], 7.1 to 7.5) and 1.1% (95% CI, 1.0 to 1.2), respec-

tively. Estimates of risk based on predictive, ZIP-Code-specific assessments of exposure were slightly higher than those provided by the nearest data-monitoring site (Table 2). When we restricted the $PM_{2.5}$ and ozone analyses to location-years with low concentrations, we continued to see significant associations between exposure and mortality (Table 2). Analysis of the MCBS

Table 2. Risk of Death Associated with an Increase of 10 μg per Cubic Meter in $\text{PM}_{2.5}$ or an Increase of 10 ppb in Ozone Concentration.*

Model	PM _{2.5}	Ozone
	<i>hazard ratio (95% CI)</i>	
Two-pollutant analysis		
Main analysis	1.073 (1.071–1.075)	1.011 (1.010–1.012)
Low-exposure analysis	1.136 (1.131–1.141)	1.010 (1.009–1.011)
Analysis based on data from nearest monitoring site (nearest-monitor analysis)†	1.061 (1.059–1.063)	1.001 (1.000–1.002)
Single-pollutant analysis‡	1.084 (1.081–1.086)	1.023 (1.022–1.024)

* Hazard ratios and 95% confidence intervals were calculated on the basis of an increase of 10 μg per cubic meter in exposure to $\text{PM}_{2.5}$ and an increase of 10 ppb in exposure to ozone.

† Daily average monitoring data on $\text{PM}_{2.5}$ and ozone were obtained from the Environmental Protection Agency Air Quality System. Daily ozone concentrations were averaged from April 1 through September 30 for the computation of warm-season averages. Data on $\text{PM}_{2.5}$ and ozone levels were obtained from the nearest monitoring site within 50 km. If there was more than one monitoring site within 50 km, the nearest site was chosen. Persons who lived more than 50 km from a monitoring site were excluded.

‡ For the single-pollutant analysis, model specifications were the same as those used in the main analysis, except that ozone was not included in the model when the main effect of $\text{PM}_{2.5}$ was estimated and $\text{PM}_{2.5}$ was not included in the model when the main effect of ozone was estimated.

subsample provided strong evidence that smoking and income are not likely to be confounders because they do not have a significant association with $\text{PM}_{2.5}$ or ozone (Section 5 in the Supplementary Appendix).

SUBGROUP Analyses

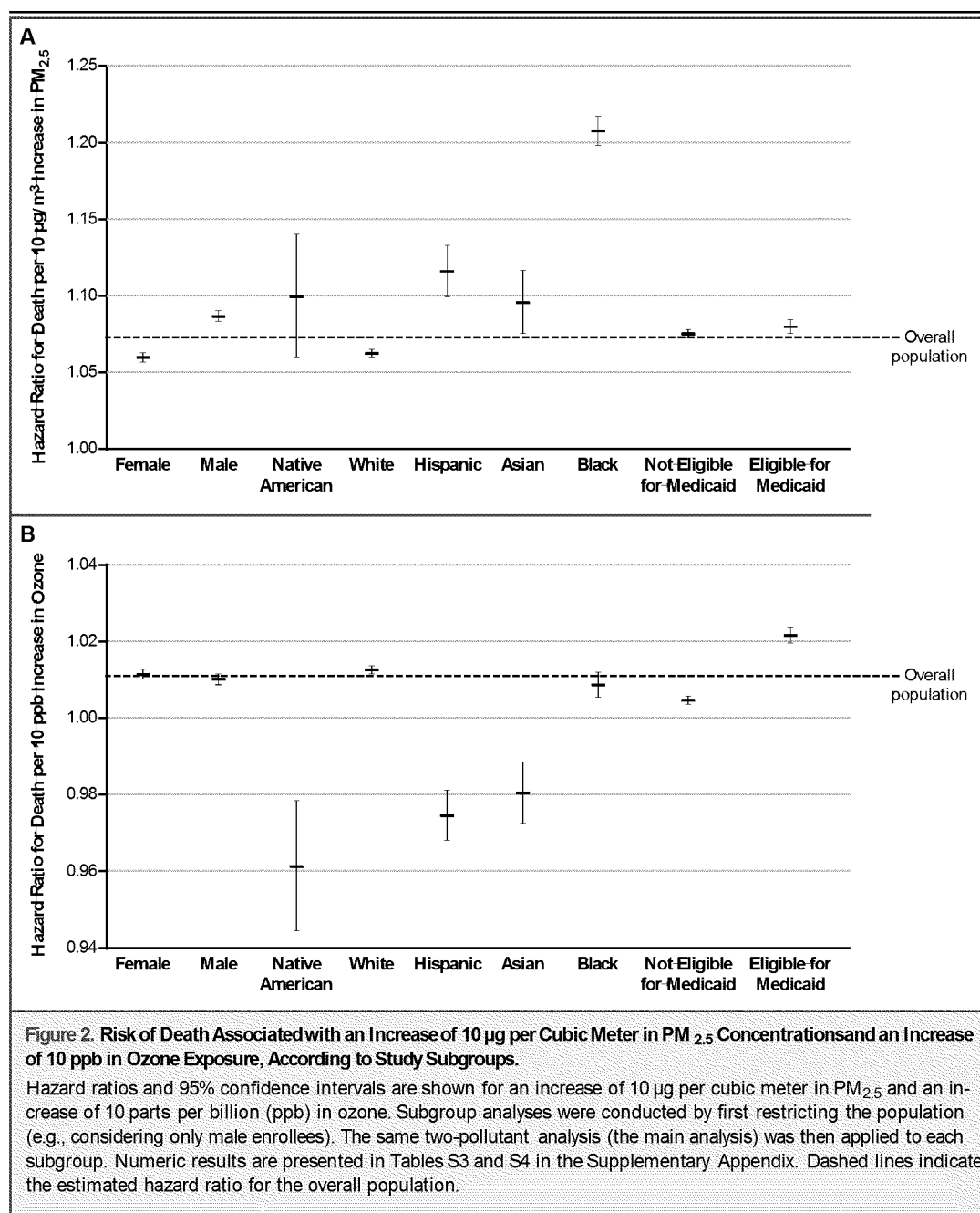
Subgroup analyses revealed that men; black, Asian, and Hispanic persons; and persons who were eligible for Medicaid (i.e., those who had low socioeconomic status) had a higher estimated risk of death from any cause in association with $\text{PM}_{2.5}$ exposure than the general population. The risk of death associated with ozone exposure was higher among white, Medicaid-eligible persons and was significantly below 1 in some racial subgroups (Fig. 2). Among black persons, the effect estimate for $\text{PM}_{2.5}$ was three times as high as that for the overall population (Table S3 in the Supplementary Appendix). Overall, the risk of death associated with ozone exposure was smaller and somewhat less robust than that associated with $\text{PM}_{2.5}$ exposure. We also detected a small but significant interaction between ozone exposure and $\text{PM}_{2.5}$ exposure (Table S8 in the Supplementary Appendix). Our thin-plate-spline fit indicated a relationship between $\text{PM}_{2.5}$, ozone, and all-cause mortality that was almost linear, with no signal of threshold down to 5 μg per

cubic meter and 30 ppb, respectively (Fig. 3, and Fig. S8 in the Supplementary Appendix).

DISCUSSION

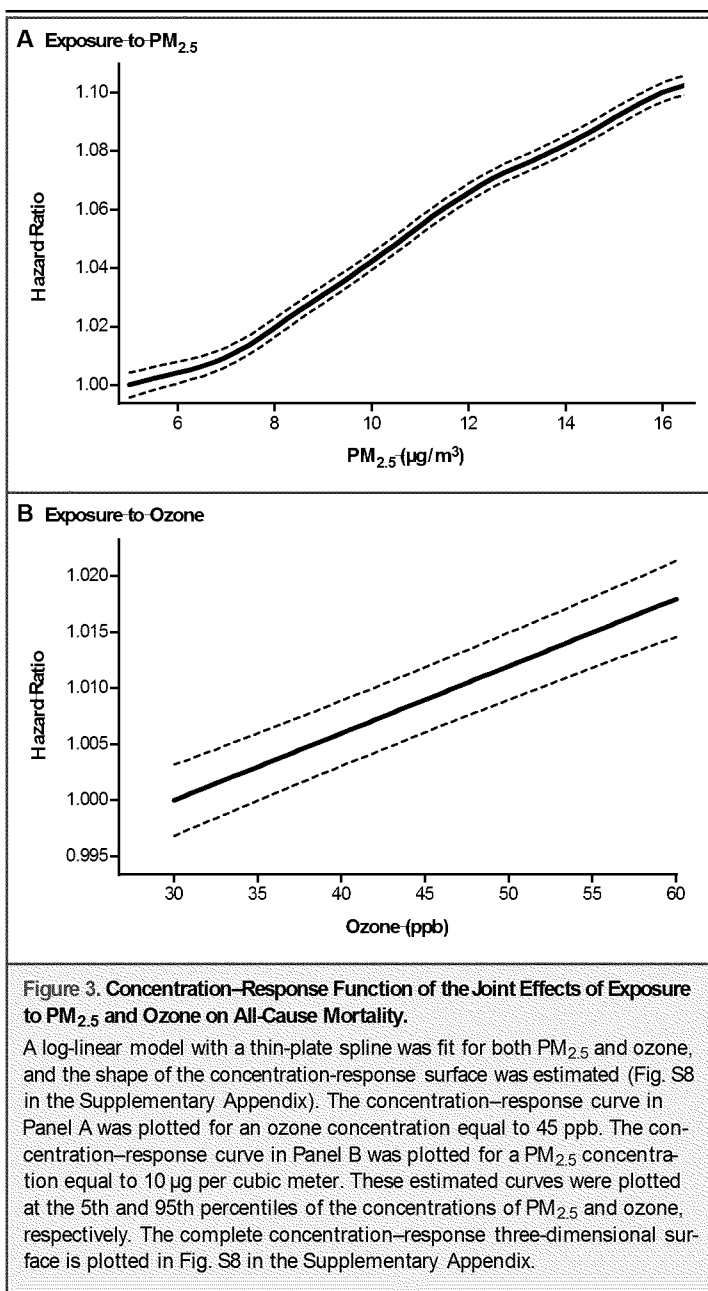
This study involving an open cohort of all persons receiving Medicare, including those from small cities and rural areas, showed that long-term exposures to $\text{PM}_{2.5}$ and ozone were associated with an increased risk of death, even at levels below the current annual NAAQS for $\text{PM}_{2.5}$. Furthermore, the study showed that black men and persons eligible to receive Medicaid had a much higher risk of death associated with exposure to air pollution than other subgroups. These findings suggest that lowering the annual NAAQS may produce important public health benefits overall, especially among self-identified racial minorities and people with low income.

The strengths of this study include the assessment of exposure with high spatial and temporal resolution, the use of a cohort of almost 61 million Medicare beneficiaries across the entire continental United States followed for up to 13 consecutive years, and the ability to perform subgroup analyses of the health effects of air pollution on groups of disadvantaged persons. However, Medicare claims do not include extensive individual-level data on behavioral risk fac-



tors, such as smoking and income, which could be important confounders. Still, our analysis of the MCBS subsample (Table S6 in the Supplementary Appendix) increased our level of confidence that the inability to adjust for these individual-level risk factors in the Medicare cohort did not lead to biased results (Section 5 in the Supplementary Appendix). In another study, we analyzed a

similar Medicare subsample with detailed individual-level data on smoking, BMI, and many other potential confounders linked to Medicare claims.²³ In that analysis, we found that for mortality and hospitalization, the risks of exposure to $\text{PM}_{2.5}$ were not sensitive to the additional control of individual-level variables that were not available in the whole Medicare population.



We also found that our results were robust when we excluded individual and ecologic covariates from the main analysis (Fig. S2 and Table S2 in the Supplementary Appendix), when we stratified age at entry into 3-year and 4-year categories rather than the 5 years used in the main analysis (Fig. S3 in the Supplementary Appendix), when we varied the estimation procedure (by means of a generalized estimating

equation as opposed to mixed effects) (Tables S3 and S4 in the Supplementary Appendix), and when we used different types of statistical software (R, version 3.3.2, vs. SAS, version 9.4). Finally, we found that our results were consistent with others published in the literature (Section 6 in the Supplementary Appendix).^{5,17,24-28}

There was a significant association between PM_{2.5} exposure and mortality when the analysis was restricted to concentrations below 12 µg per cubic meter, with a steeper slope below that level. This association indicated that the health-benefit-per-unit decrease in the concentration of PM_{2.5} is larger for PM_{2.5} concentrations that are below the current annual NAAQS than the health benefit of decreases in PM_{2.5} concentrations that are above that level. Similar, steeper concentration-response curves at low concentrations have been observed in previous studies.²⁹ Moreover, we found no evidence of a threshold value — the concentration at which PM_{2.5} exposure does not affect mortality — at concentrations as low as approximately 5 µg per cubic meter (Fig. 3); this finding is similar to those of other studies.^{18,30}

The current ozone standard for daily exposure is 70 ppb; there is no annual or seasonal standard. Our results strengthen the argument for establishing seasonal or annual standards. Moreover, whereas time-series studies have shown the short-term effects of ozone exposure, our results indicate that there are larger effect sizes for longer-term ozone exposure, including in locations where ozone concentrations never exceed 70 ppb. Unlike the American Cancer Society Cancer Prevention Study II,^{9,10} our study reported a linear connection between ozone concentration and mortality. This finding is probably the result of the interaction between PM_{2.5} and ozone (Section 7 in the Supplementary Appendix). The significant, linear relationship between seasonal ozone levels and all-cause mortality indicates that current risk assessments,³¹⁻³³ which incorporate only the acute effects of ozone exposure on deaths each day from respiratory mortality, may be substantially underestimating the contribution of ozone exposure to the total burden of disease.

The enormous sample size in this study, which includes the entire Medicare cohort, allowed for unprecedented accuracy in the estimation of risks among racial minorities and disadvantaged subgroups. The estimate of effect size for PM_{2.5} expo-

sure was greatest among male, black, and Medicaid-eligible persons. We also estimated risks in subgroups of persons who were eligible for Medicaid and in whites and blacks alone to ascertain whether the effect modifications according to race and Medicaid status were independent. We found that black persons who were not eligible for Medicaid (e.g., because of higher income) continued to have an increased risk of death from exposure to $PM_{2.5}$ (Fig. S4 in the Supplementary Appendix). In addition, we found that there was a difference in the health effects of $PM_{2.5}$ exposure between urban and rural populations, a finding that may be due to compositional differences in the particulates (Table S3 Supplementary Appendix).

Although the Medicare cohort includes only the population of persons 65 years of age or older, two thirds of all deaths in the United States occur in people in that age group. Although our exposure models had excellent out-of-sample predictive power on held-out monitors, they do have limitations. Error in exposure assessment remains an issue in this type of analysis and could attenuate effect estimates for air pollution.³⁴

The overall association between air pollution and human health has been well documented

since the publication of the landmark Harvard Six Cities Study in 1993.²⁵ With air pollution declining, it is critical to estimate the health effects of low levels of air pollution — below the current NAAQS — to determine whether these levels are adequate to minimize the risk of death. Since the Clean Air Act requires the EPA to set air-quality standards that protect sensitive populations, it is also important to focus more effort on estimating effect sizes in potentially sensitive populations in order to inform regulatory policy going forward.

The views expressed in this article are those of the authors and do not necessarily represent the official views of the funding agencies. Furthermore, these agencies do not endorse the purchase of any commercial products or services related to this publication.

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No potential conflict of interest relevant to this article was reported.

Disclosure forms provided by the authors are available with the full text of this article at NEJM.org.

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To: Graham, Amy[graham.amy@epa.gov]
From: valerie.volcovici@thomsonreuters.com
Sent: Wed 7/19/2017 4:58:43 PM
Subject: question

Hi Amy,

I saw this headline in Inside EPA: "EPA Says States Lack Legal Standing For Role In Ozone NAAQS Challenge"

Wondering where the EPA said this and wanting to see if I could get a statement on this.

**Thanks so much,
Valerie**

Valerie Volcovici
Correspondent
Reuters

Phone: [Ex. 6 - Personal Privacy]
Mobile/Signal: + [Ex. 6 - Personal Privacy]

1333 H Street NW
Suite 600
Washington, DC 20005
Twitter: @ValerieVolco

To: Graham, Amy[graham.amy@epa.gov]
From: Sean Reilly
Sent: Fri 7/21/2017 11:20:26 PM
Subject: FW: Ozone task force--following up on vm
[Ozonevacaturmotion.pdf](#)

Hi Amy:

Just wanted to check back with you on where we stand with getting responses to these questions.
I will be writing about this issue next week; my deadline is noon Tuesday.

Sean

Sean Reilly

Reporter

E&E News

Ex. 6 - Personal Privacy	(Desk)
	(Cell)

sreilly@eenews.net

From: Sean Reilly
Sent: Thursday, July 13, 2017 4:44 PM
To: 'Graham, Amy' <graham.amy@epa.gov>
Subject: RE: Ozone task force--following up on vm

Hi Amy:

Just wanted to check back with you on a couple of ozone-related issues:

1. In regard to the task force that we previously discussed, Congress asked it to report back in 90 days. Given that the funding bill in question was signed in early May, does that mean the report will be released in early August?
2. We're still interested in getting a list of task force members.
3. In regard to the ongoing review of the 2015 ozone NAAQS, has Administrator Pruitt come to even a tentative decision on whether the agency will be pursuing any changes to the 70 ppb standard?
4. Finally, as you know, a number of environmental groups yesterday challenged in court Mr. Pruitt's decision to delay attainment designations for the 2015 ozone NAAQS. Do you have any comment on the arguments made in the attached motion asking the court to vacate or stay that decision?

As noted in my voicemail, I'd appreciate getting responses by COB Monday.

Thanks,

Sean

Sean Reilly

Reporter

E&E News

Ex. 6 - Personal Privacy (Desk)
(Cell)

sreilly@eenews.net

From: Graham, Amy [<mailto:graham.amy@epa.gov>]
Sent: Wednesday, June 21, 2017 4:11 PM
To: Sean Reilly <sreilly@eenews.net>
Cc: Press <Press@epa.gov>
Subject: Ozone task force

Hi Sean – I know you had been asking about the Ozone Task Force. This is an internal working group of key EPA staff who have relevant expertise that is working to develop the Congressional report and the guidance by which we will address concerns related to ozone.

On background: This group was formed because of language included in the final funding bill that requests EPA submit to Congress a report looking into ways to provide flexibility to states for complying with the 2015 standard. There will be a public report that we submit to Congress and that will be approved by the Administrator.

Hope this helps.

Amy

Amy Graham

Deputy Associate Administrator for Public Engagement

U.S. Environmental Protection Agency

Graham.amy@epa.gov

Ex. 6 - Personal Privacy	(office)
	(cell)

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 17-1172

AMERICAN LUNG ASSOCIATION, *et al.*,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, *et al.*,
Respondents.

Petition for Review of Final Administrative Actions of the
United States Environmental Protection Agency

**MOTION FOR SUMMARY VACATUR OR, IN THE ALTERNATIVE, FOR
STAY PENDING JUDICIAL REVIEW**

Ann Brewster Weeks
Clean Air Task Force
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Environmental Council*

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DATED: July 12, 2017

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TABLE OF CONTENTS

INTRODUCTION AND SUMMARY OF ARGUMENT	1
BACKGROUND	3
I. OZONE SERIOUSLY HARMS HUMAN HEALTH.....	3
II. THE CLEAN AIR ACT PRESCRIBES A CAREFULLY-DESIGNED PROGRAM FOR CONTROLLING OZONE POLLUTION.....	4
III. EPA FINDS THE 2008 STANDARDS INADEQUATE AND PROMULGATES STRONGER STANDARDS.	7
IV. EPA ABRUPTLY DELAYS IMPLEMENTING THE NEW STANDARDS.....	11
ARGUMENT	12
I. THE DESIGNATIONS DELAY IS UNLAWFUL AND ARBITRARY AND SHOULD BE SUMMARILY VACATED.	12
A. EPA Has Not Satisfied the Statutory Requirements for Delaying Designations.....	13
B. EPA’s Purported Justifications for the Delay Are Arbitrary and Unlawful.....	17
C. Even If Some Delay Could Be Justified for Some Areas, EPA Has Not Justified the Across-the-Board One-Year Delay It Granted Itself.....	22
II. IN THE ALTERNATIVE, THE COURT SHOULD STAY THE DESIGNATIONS DELAY.	24
A. The Designations Delay Will Irreparably Harm Petitioners.	25
B. A Stay Will Not Harm Other Parties.	31
C. The Public Interest Strongly Favors Staying the Designations Delay.	32
CONCLUSION.....	35

TABLE OF AUTHORITIES

CASES	PAGE(S)
<i>Alabama Power Co. v. Costle</i> , 636 F.2d 323 (D.C. Cir. 1980)	4
<i>Am. Petroleum Inst. v. Costle</i> , 665 F.2d 1176 (D.C. Cir. 1981)	4
<i>Am. Trucking Ass 'ns v. EPA</i> , 283 F.3d 355 (D.C. Cir. 2002).....	3,4
<i>American Lung Ass'n v. EPA</i> , 134 F.3d 388 (D.C. Cir. 1998)	17, 22
<i>Amoco Production Co. v. Village of Gambell</i> , 480 U.S. 531 (1987).....	31
<i>Chamber of Commerce v. SEC</i> , 412 F.3d 133 (D.C. Cir. 2011)	16
<i>Clean Air Council v. EPA</i> , No. 17-1145 (D.C. Cir. July 3, 2017)	13
<i>Chlorine Chemistry Council v. EPA</i> , 206 F.3d 1286 (D.C. Cir. 2000)	21
<i>Coleman v. Paccar, Inc.</i> , 424 U.S. 1301 (1976) (Rehnquist, J., in chambers)	30
<i>Del. Dep't of Nat. Res. v. EPA</i> , 785 F.3d 1 (D.C. Cir. 2015)	24
<i>In re Harman Int'l Indus. Sec. Litigation</i> , 791 F.3d 90 (D.C. Cir. 2015)	16
<i>League of Women Voters v. Newby</i> , 838 F.3d 1 (D.C. Cir. 2016).....	24,26, 30, 31, 34
<i>Massachusetts v. EPA</i> , 549 U.S. 497 (2007).....	14,17

<i>Miss. Comm’n on Envtl. Quality v. EPA</i> , 790 F.3d 138 (D.C. Cir. 2015)	5,9, 10, 14, 20, 21
<i>Moncrieffe v. Holder</i> , 133 S. Ct. 1678 (2013).....	16
<i>Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins.</i> , 463 U.S. 29 (1983).....	15,24
<i>Nat’l Ass’n of Farmworkers Orgs. v. Marshall</i> , 628 F.2d 604 (D.C. Cir. 1980)	31
<i>Nat’l Lime Ass’n v. EPA</i> , 233 F.3d 625 (D.C. Cir. 2000)	20
<i>NRDC v. EPA</i> , 777 F.3d 456 (D.C. Cir. 2014).....	6,17
<i>Public Citizen v. Fed. Motor Carrier Safety Admin.</i> , 374 F.3d 1209 (D.C. Cir. 2004)	22
<i>Sorenson Comms. v. FCC</i> , 755 F.3d 702 (D.C. Cir. 2014)	20, 23
<i>South Coast Air Quality Mgmt. Dist. v. EPA</i> , 472 F.3d 882 (D.C. Cir. 2006)	6
<i>South Coast Air Quality Mgmt. Dist. v. EPA</i> , 489 F.3d 1245 (D.C. Cir. 2007).....	6,15
<i>Union Elec. v. EPA</i> , 427 U.S. 246 (1976).....	34
<i>United States v. Mead Corp.</i> , 533 U.S. 218 (2001).....	17
<i>Whitman v. Am. Trucking Ass’ns</i> , 531 U.S. 457 (2001)	4,15, 32
<i>Wisc. Gas Co. v. FERC</i> , 758 F.2d 669 (D.C. Cir. 1985)	30

STATUTES

5 U.S.C. § 706(2)(A).....	12
42 U.S.C. § 7407(d)(1)(A).....	5,8
42 U.S.C. § 7407(d)(1)(A)(i)	5,13, 14
42 U.S.C. § 7407(d)(1)(A)(ii)	13,14
42 U.S.C. § 7407(d)(1)(A)(iii).....	5,14
42 U.S.C. § 7407(d)(1)(B)	5
42 U.S.C. § 7407(d)(1)(B)(i).....	2, 5, 8, 12, 13, 16, 21, 22
42 U.S.C. § 7407(d)(1)(B)(ii)	8
42 U.S.C. § 7408(a)	4
42 U.S.C. § 7409(a)	4
42 U.S.C. § 7409(b)	4
42 U.S.C. § 7409(d)(1).....	4, 15, 33
42 U.S.C. § 7410(a).....	5
42 U.S.C. § 7410(a)(2)(I).....	5
42 U.S.C. § 7410(c)	5
42 U.S.C. § 7471	5
42 U.S.C. § 7502	5
42 U.S.C. § 7502(b)	6
42 U.S.C. § 7502(c)	6
42 U.S.C. § 7503	6
42 U.S.C. § 7509a(a).....	18
42 U.S.C. § 7509a(b).....	18

42 U.S.C. § 7511	5
42 U.S.C. § 7511(a)(1)	6
42 U.S.C. § 7511a	5
42 U.S.C. § 7511a(a)(2)(C)	6
42 U.S.C. § 7511a(b)(2)	6
42 U.S.C. § 7511a(c)(2)(A)	6
42 U.S.C. § 7511b	5
42 U.S.C. § 7511c	5
42 U.S.C. § 7511d	5
42 U.S.C. § 7511e	5
42 U.S.C. § 7511f	5
42 U.S.C. § 7601(d)(1)	5
42 U.S.C. § 7602(d)	5
42 U.S.C. § 7619(b)	15

REGULATIONS

40 C.F.R. § 58.15	10,20
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FEDERAL REGISTER NOTICES

73 FR 16,436 (2008)	7,33
75 FR 71,033 (2010)	24
77 FR 30,088 (2012)	20
80 FR 2206 (Jan. 15, 2015)	24

80 FR 65,292 (Oct. 26, 2015)	3, 4, 7, 8, 14, 23, 30
81 FR 81,276 (Nov. 17, 2016)	9
81 FR 91,894 (Dec. 19, 2016)	9
82 FR 29,246 (June 28, 2017).....	1, 11, 14, 15, 16, 17, 18, 19, 22

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

The following is a glossary of acronyms and abbreviations used in this motion:

NAAQS	National ambient air quality standards
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ppb	Parts per billion
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INTRODUCTION AND SUMMARY OF ARGUMENT

Petitioners challenge the Environmental Protection Agency's illegal and arbitrary delay of action mandated by the Clean Air Act to protect people from ground-level ozone, a dangerous and widespread air pollutant. EPA itself has found that ozone causes deaths, hospitalizations, asthma attacks, emergency room visits, and other serious harms, and that the existing federal limit on its concentration in the outdoor air is inadequate to protect public health. Yet, in a preemptory action involving no public participation and only cursory explication, EPA recently extended its deadline for promulgating initial area air quality designations for the 2015 national ambient air quality standards ("standards" or "NAAQS") for ozone. 82 FR 29,246 (June 28, 2017), Ex.1; *e.g.*, Letter from Scott Pruitt, Adm'r, EPA, to Doug Ducey, Gov. of Ariz., at 1, Ex.2 ("Delay Letter").¹ Under the Act, such designations are the essential step that triggers statutory obligations to implement measures to protect public health and welfare.

The Designations Delay defers urgently needed cleanup of harmful ozone pollution that threatens people across the nation. EPA has estimated that compliance with the standards will—each year—save hundreds of lives, prevent

¹ As explained below, the June 28 Notice followed letters sent June 6, with both announcing EPA was extending the deadline for promulgating initial area designations by one year. We refer to these documents announcing the delay collectively as the "Designations Delay."

230,000 asthma attacks in children, avoid hundreds of hospitalizations and emergency room visits, and prevent 160,000 missed school days for children. EPA, EPA-452/R-15-007, *Regulatory Impact Analysis of the Final Revisions to the National Ambient Air Quality Standards for Ground-Level Ozone* at ES-16, tbl.ES-6 (2015), Ex.12 (“RIA”); *see also id.* ES-2 to -3. Substantial death and suffering will thus inevitably result from the Designations Delay.

The Designations Delay is illegal and irrational. The statutory provision that EPA seized upon as ostensible ground for delaying implementation of the 2015 standards applies only where EPA “has insufficient information” to promulgate designations for one or more areas. 42 U.S.C. § 7407(d)(1)(B)(i). But EPA’s Designations Delay is devoid of any showing that the copious information already before the agency is somehow “insufficient.” Indeed, EPA did not even attempt such a showing. Instead, EPA tried to convert § 7407(d)(1)(B)(i) into a blanket authorization for delay on a broad mishmash of policy grounds irrelevant to the adequacy of information for designations, such as a desire to revisit the 2015 ozone standards themselves and alleged challenges in complying with the standards. Such concerns are untethered from § 7407(d)(1)(B)(i), the sole statutory authority EPA cited for its action.

Because EPA’s Designations Delay is clearly unlawful and arbitrary, and because this unlawful deferral of the October 1, 2017, deadline for completing

designations is dangerous to public health, summary vacatur is appropriate. In the alternative, EPA's Designations Delay should be stayed pending judicial review. In light of the severe health threats at stake, Petitioners further request that the case be expedited.²

BACKGROUND

I. OZONE SERIOUSLY HARMS HUMAN HEALTH.

Ozone, the main component of urban smog, is a corrosive air pollutant that inflames the lungs and constricts breathing. *See Am. Trucking Ass'ns v. EPA*, 283 F.3d 355, 359 (D.C. Cir. 2002) (“*ATA*”); EPA-HQ-OAR-2008-0699-0405 (“*ISA*”) 2-20 to -23 tbl.2-1, Ex.14. It causes asthma attacks, emergency room visits, hospitalizations, deaths, and other serious health harms. *E.g.*, 80 FR 65,292, 65,308/3-09/1 (Oct. 26, 2015), Ex.11; EPA-HQ-OAR-2008-0699-0404 (“*PA*”) 3-18, 3-26 to -29, 3-32, Ex.13; *ISA* 2-16 to -18, 2-20 to -24 tbl.2-1. Ozone can harm healthy adults, but others are more vulnerable. *See* 80 FR 65,310/1-3. Because their respiratory tracts are not fully developed, children are especially vulnerable to ozone pollution, particularly when they have elevated respiratory rates, as when playing outdoors. *E.g.*, *PA* 3-81 to -82. People with lung disease and the elderly also have heightened vulnerability. *See* 80 FR 65,310/3. People with asthma suffer

² Petitioners requested EPA administratively stay the Designations Delay on July 5. Exs.16-19. EPA has not acted on that request.

more severe impacts from ozone exposure than healthy individuals do and are more vulnerable at lower levels of exposure. *Id.* 65,311/1 n.37, 65,322/3.

II. THE CLEAN AIR ACT PRESCRIBES A CAREFULLY-DESIGNED PROGRAM FOR CONTROLLING OZONE POLLUTION.

Bringing the entire country expeditiously into compliance with health- and welfare-protective air quality standards forms the driving “heart” of the Clean Air Act. *Alabama Power Co. v. Costle*, 636 F.2d 323, 346 (D.C. Cir. 1980). EPA must set “primary” and “secondary” standards for pollutants like ozone to protect public health and welfare, respectively. 42 U.S.C. §§ 7408(a), 7409(a)-(b). It must review and, as appropriate, revise these standards at least every five years. *Id.*

§ 7409(d)(1). In setting and revising them, EPA is barred from considering the costs and technological feasibility of implementing the standards. *Whitman v. Am. Trucking Ass’ns*, 531 U.S. 457, 471 & n.4 (2001); *Am. Petroleum Inst. v. Costle*, 665 F.2d 1176, 1185 (D.C. Cir. 1981).

After EPA sets a standard, the implementation process begins, which, as relevant to this case, starts with initial area air quality designations. *See ATA*, 283 F.3d at 358-59. States and Tribes first submit recommended designations, and then, “as expeditiously as practicable,” but at the latest within two years of promulgating a standard, EPA “shall promulgate the designations of all areas (or portions thereof) submitted” by states and Tribes as either violating the standard

(“nonattainment” areas) or meeting the standard (“attainment” areas). 42 U.S.C. § 7407(d)(1)(A)-(B); *see also id.* §§ 7601(d)(1), 7602(d).³ The Act specifies the relevant considerations for making designations by specifically defining each type of area. For example, nonattainment areas are those that “do[] not meet (or that contribute[] to ambient air quality in a nearby area that does not meet)” a standard for a pollutant. *Id.* § 7407(d)(1)(A)(i). The Act provides only one condition under which EPA may extend its deadline for promulgating designations—when it “has insufficient information to promulgate the designations.” *Id.* § 7407(d)(1)(B)(i) (“Such period may be extended for up to one year in the event the Administrator has insufficient information to promulgate the designations.”).

For nonattainment areas, Congress created a detailed program to ensure that air quality will attain ozone standards by specified deadlines (“attainment deadlines”). *Id.* §§ 7410(a), (c), 7502; *see also id.* §§ 7511-7511f (provisions specific to ozone nonattainment areas). Each state must adopt a “state implementation plan” that, for nonattainment areas, includes all the requirements Congress crafted for such areas. *Id.* § 7410(a)(2)(I).

³ There is a third designation—an “unclassifiable” area, which is “any area that cannot be classified on the basis of available information as meeting or not meeting” the standard—which is treated for regulatory purposes as an attainment area. *See* 42 U.S.C. §§ 7407(d)(1)(A)(iii), 7471; *see also Miss. Comm’n on Env’tl. Quality v. EPA*, 790 F.3d 138, 145 (D.C. Cir. 2015) (describing “unclassifiable” designation).

Crucially, the Act-required attainment deadlines are keyed to the date of designation. *See NRDC v. EPA*, 777 F.3d 456, 465-69 (D.C. Cir. 2014). The requirements—and deadlines—for states to adopt the specific programs Congress mandated to control harmful emissions in nonattainment areas similarly depend on the areas being designated nonattainment. *See, e.g.*, 42 U.S.C. §§ 7502(b), (c), 7503 (general planning requirements for nonattainment areas kick in when area is designated nonattainment), 7511a(a)(2)(C) (requiring “new source review” permitting programs that require new and modified major factories and power plants in nonattainment areas to install state-of-the-art emission controls and compensate for emission increases with greater offsetting reductions), 7511a(b)(2) (requiring emission control on certain types of existing sources in certain nonattainment areas), 7511a(c)(2)(A) (for certain nonattainment areas, requiring plans demonstrating attainment of standard by applicable attainment deadline).

Simultaneously with their designation, ozone nonattainment areas must be classified based on the severity of their ozone pollution levels. *Id.* § 7511(a)(1) tbl.1. The higher the classification, the longer the area has to come into attainment, but the more stringent the controls it must adopt. *South Coast Air Quality Mgmt. Dist. v. EPA*, 472 F.3d 882, 887 (D.C. Cir. 2006), *amended in other parts* 489 F.3d 1245 (D.C. Cir. 2007). If an area fails to attain timely, EPA must reclassify it to a higher classification, triggering stronger pollution control requirements. *Id.* 887-88

EPA's promulgation of nonattainment designations is thus essential to triggering the Act's nonattainment provisions and bringing about the attendant health and environmental benefits. Simply put, delay of designations delays the stronger pollution controls Congress mandated to protect people in communities with unhealthy air.

III. EPA FINDS THE 2008 STANDARDS INADEQUATE AND PROMULGATES STRONGER STANDARDS.

EPA revised the ozone standards most recently on October 1, 2015, strengthening them by tightening the maximum 8-hour level of ozone allowed in the ambient air to 70 parts per billion (ppb), down from the 75 ppb allowed under the 2008 standards. 80 FR 65,292/1, 65,452/2; 73 FR 16,436, 16,436/1 (2008). After a lengthy and detailed review process, EPA determined that the 2008 standards were inadequate to protect public health and welfare. 80 FR 65,342/2-47/1, 65,389/1-90/2. Important parts of the extensive record showed that healthy young adults experienced adverse health effects with ozone exposures at levels allowed by the 2008 standards and linked ozone levels allowed by those standards to hospital visits, deaths, and other serious health harms. *Id.* 65,343/1-44/3, 65,346/2-3. In a 15-city study, EPA estimated that tens of thousands of children would still face dangerous ozone exposures even after the 2008 standards were met. *Id.* 65,344/3-47/1. EPA's independent scientific advisors likewise

unanimously found the 2008 standards were not strong enough to protect public health and welfare. *Id.* 65,346/2, 65,381/3.

Multiple parties filed petitions in this Court challenging the 2015 standards, some arguing they were overly stringent, and others that they were insufficiently protective. *See Murray Energy v. EPA*, No. 15-1385 *et al.* (D.C. Cir.). Shortly before the scheduled oral argument in those consolidated cases, EPA sought to postpone it based on the agency's stated desire for time to determine whether to reconsider the 2015 standards. EPA Mot. to Continue Oral Argument 5-6, *Murray Energy*, No. 15-1385 (D.C. Cir. Apr. 7, 2017). The Court held the case in abeyance, but the standards have not been stayed and remain in effect. Order, *Murray Energy*, No. 15-1385 (D.C. Cir. Apr. 11, 2017).

EPA's revision of the standards on October 1, 2015, meant its mandatory deadline for issuing designations is October 1, 2017. *See* 42 U.S.C.

§ 7407(d)(1)(B)(i). The Act prescribes a step-by-step process for promulgating designations. States must first submit recommended designations to EPA within one year of standards' promulgation. *Id.* § 7407(d)(1)(A). EPA may modify a recommended designation, but must first provide the state 120 days' notice and give the state an opportunity to rebut the proposed modification. *Id.*

§ 7407(d)(1)(B)(ii).

EPA, states, and Tribes have already undertaken the steps that traditionally have enabled EPA to meet prior designation deadlines. All the states and several Tribes submitted designation recommendations to EPA.⁴ The states and Tribes formulated these recommendations with guidance from EPA regarding what kind of information the agency needed to make the final designations. For example, drawing on its experience with past ozone standards, EPA promulgated a memorandum further describing the process for developing designations. Memorandum on Area Designations for the 2015 Ozone National Ambient Air Quality Standards, from Janet McCabe, Acting Ass't Adm'r, to Reg'l Adm'rs (Feb. 25, 2016), Ex.10 ("Memorandum").⁵ Among other things, EPA explained that it bases designations on air quality monitoring data—measurements of the amount of ozone actually present in the air at stations that sample the ambient air in locations consistent with EPA regulations. Memorandum 3; *see Miss. Comm'n*, 790 F.3d at 147 (upholding designations that used this approach for 2008 ozone standards). "After identifying each monitor that indicates a violation of the 2015

⁴ <https://www.epa.gov/ozone-designations/2015-ozone-standards-state-recommendations>; <https://www.epa.gov/ozone-designations/2015-ozone-standards-tribal-recommendations>.

⁵ EPA also proposed a rule that would govern implementation of the 2015 standards. 81 FR 81,276 (Nov. 17, 2016). The comment period on that rule closed February 13, 2017. 81 FR 91,894, 91,894/1-2 (Dec. 19, 2016).

ozone NAAQS in an area, the EPA will determine which nearby areas contribute to the violation(s)” based on five factors used in prior designations. Memorandum 5-7 (factors are “air quality data, emissions and emissions-related data, meteorology, geography/topography, and jurisdictional boundaries,” with other factors potentially relevant for specific areas); *see Miss. Comm’n*, 790 F.3d at 149, 158-59 (same factors applied for initial area designations for 2008 standards).

EPA explained that states would base designation recommendations on certified, quality-assured air quality monitoring data for 2013-15 (the years needed to calculate the official air quality statistic—“design value”—to assess compliance with the standards for 2015), with preliminary data for 2016 perhaps factoring in. Memorandum 2-4. EPA expected to base designations on the 2016 design value, which use 2014-16 data. *Id.* The 2015 design values, as measured at every air quality monitor in the country, were available in July 2016,⁶ and EPA regulations required full, accurate, and quality-assured data for 2016 by May 1, 2017. 40 C.F.R. § 58.15; *see also* Memorandum 3 (explaining regulations).

⁶ https://www.epa.gov/sites/production/files/2016-07/ozone_designvalues_20132015_final_07_29_16.xlsx.

IV. EPA ABRUPTLY DELAYS IMPLEMENTING THE NEW STANDARDS.

Without notice or public input, EPA extended its deadlines for promulgating designations by a year. First, on June 6, 2017, it sent identical four-paragraph letters to state governors so informing them. Exs.2-5; *see also* EPA, *Administrator Extends Deadline for Area Designations for 2015 Ozone Standards* (as updated June 7, 2017), Ex.6 (stating that EPA extended designations deadline “[i]n a letter to Governors”); EPA, *EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations* (June 6, 2017), Ex.7 (press release announcing extension). The Delay Letter asserts potential concern about various purported “issues that could undermine...compliance efforts,” and that the delay gives “the Agency time to complete its review” of the 2015 standards, but nowhere explains why the information it already has is inadequate to promulgate designations. Delay Letter 1.

EPA subsequently announced its delay action in the Federal Register. 82 FR 29,246 (“Notice”). The Notice’s single-paragraph explication for the Designations Delay rehashes similar claims as the Delay Letters, but with some minor variations. It first baldly claims that because of various “issues regarding the 2015 ozone NAAQS and its implementation,” EPA “cannot assess whether [the Administrator] has the necessary information to finalize designations.” 82 FR 29,247/2. It also contends that because of the ongoing review of the standards, EPA lacks sufficient information to promulgate designations. *Id.* 29,247/3. EPA

again provides no explanation of what specific information it lacks to allow it to promulgate designations.

ARGUMENT

I. THE DESIGNATIONS DELAY IS UNLAWFUL AND ARBITRARY AND SHOULD BE SUMMARILY VACATED.

The Designations Delay is flagrantly illegal and arbitrary.⁷ EPA relied solely on a narrow Clean Air Act provision that allows EPA to delay nonattainment designations by up to one year only when it “has insufficient information to promulgate the designations.” 42 U.S.C. § 7407(d)(1)(B)(i). But EPA nowhere identified any insufficiency of information of the sort that, under the statute, is the sole permissible basis for a delay. The factors EPA cited are extraneous to the statutory criterion, instead addressing EPA’s desire to reconsider the standards and to examine compliance issues. EPA also failed to explain why, assuming it had explained what relevant information was lacking for any area, it was delaying designations for the entire country for an entire year, despite the Act’s mandate for expeditious designation promulgation.

EPA’s attempt to convert a narrow statutory provision into a broad authorization for delay is contrary to the plain, limited language of the Act and

⁷ This Court must set aside EPA actions that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

would thwart Congress's framework for deadline-driven attainment of health standards. Because EPA's Designations Delay is clearly unlawful, arbitrary, and dangerous to public health, and particularly given the imminent October 2017 statutory deadline for EPA to complete the designations, summary vacatur is appropriate. *See Clean Air Council v. EPA*, No. 17-1145, slip op. 10-11 (D.C. Cir. July 3, 2017).

A. EPA Has Not Satisfied the Statutory Requirements for Delaying Designations.

EPA does not even attempt to tether its purported rationale for the Designations Delay to the statutory prerequisite for such action—insufficient information to allow it to make designations. EPA has up to two years to promulgate designations, with the sole basis for extending that deadline (for up to a year) being where EPA “has insufficient information to promulgate the designations.” 42 U.S.C. § 7407(d)(1)(B)(i). Under the Act, the only bases for making designations are whether an area fails to meet the standards (a simple numerical comparison based on data EPA has) and whether it contributes to another area's failure to meet the standards: if an area meets either condition, it is a nonattainment area; otherwise, it is an attainment area. *Id.* § 7407(d)(1)(A)(i)-(ii) (defining “nonattainment” and “attainment” area). The information needed to promulgate designations is thus information about air quality at monitoring sites

and information about what areas affect air quality in nearby areas with monitors that violate the standards. *See id.* § 7407(d)(1)(A)(i)-(iii).⁸ Yet EPA illegally seeks to justify the Designations Delay based on considerations unrelated to these factors. *See Massachusetts v. EPA*, 549 U.S. 497, 535 (2007) (“EPA must ground its reasons for action or inaction in the statute.”).

EPA centrally relies on the irrelevant fact that it is reviewing the standards themselves, closing the Notice by saying:

We also note that new agency officials are currently reviewing the 2015 ozone NAAQS rule. The Administrator has determined that in light of the uncertainty of the outcome of that review, there is insufficient information to promulgate designations by October 1, 2017.

82 FR 29,247/3. The Agency says that, “[a]s part of the review process,” it is examining purported “issues that could undermine associated compliance efforts,” which are background ozone levels,⁹ ozone originating abroad, and “exceptional events demonstrations.”¹⁰ Delay Letter 1 (emphasis added); *accord* 82 FR 29,247/2

⁸ *See also* Memorandum 3-7 (describing EPA’s intended practice); *Miss. Comm’n*, 790 F.3d at 147, 149, 158-59 (describing EPA’s historical practice).

⁹ EPA uses the term “background” to mean ozone pollution caused by natural phenomena anywhere or by human-caused emissions outside the United States. 80 FR 65,328/1 (“U.S. background” means ozone “that would exist even in the absence of any manmade emissions within the United States”).

¹⁰ “Exceptional events” are certain events that were shown to clearly cause exceedances of standards but were “not reasonably controllable or preventable”

(citing most of the same issues as ones EPA is “evaluating...regarding the 2015 ozone NAAQS and its implementation”). EPA frames the Designations Delay as purportedly justified “[i]n light of the analyses currently underway at the agency.” 82 FR 29,247/3. But, though EPA is free to engage in such analyses, review of the standards and supposed compliance-related considerations is wholly divorced from the sufficiency of the information about actual air quality conditions that is relevant to making designations under these still-effective standards. *See, e.g., Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

Indeed, Congress required EPA to review standards at least every five years, 42 U.S.C. § 7409(d)(1), so Congress cannot possibly have meant to include such reviews as a justification for one-year delays. Otherwise, EPA could halt the “engine that drives nearly all of Title I of the [Clean Air Act]” by repeatedly revising and then reviewing standards, *Whitman*, 531 U.S. at 468. This interpretation cannot be reconciled with the Act. *See id.* 485 (rejecting as unreasonable statutory interpretation that would allow EPA to “abort[]” ozone nonattainment provisions of Clean Air Act “the day after [provisions were] enacted”); *South Coast*, 489 F.3d at 1248 (rejecting as “absurd” statutory

and “caused by human activity that is unlikely to recur at a particular location or a natural event.” 42 U.S.C. § 7619(b). Data resulting from such events may be excluded from air quality monitoring data used to determine if an area violated the standards. *Id.*

interpretation that would allow EPA to take trivial actions and “avoid ever implementing” Act-mandated pollution controls).

Moreover, EPA cannot base a delay on mere speculation that it might have insufficient information. 82 FR 29,247/2-3 (claiming EPA cannot determine if it has “necessary,” “sufficient information to finalize designations” because of review). Congress required EPA to promulgate designations “as expeditiously as practicable” and authorized delay only where EPA rationally finds the information is actually “has” is inadequate to make designations. 42 U.S.C. § 7407(d)(1)(B)(i). EPA’s assertion here that it might have inadequate information is not such a finding. *See In re Harman Int’l Indus. Sec. Litigation*, 791 F.3d 90, 103 (D.C. Cir. 2015) (pointing out “important difference between warning that something ‘might’ occur and that something ‘actually had’ occurred” (emphasis in original)); *see also Moncrieffe v. Holder*, 133 S. Ct. 1678, 1688 & n.8 (2013) (rejecting analysis that looks at what “could have” or “would have” happened, not what did happen). Because EPA has not found the information it has is insufficient, it cannot lawfully or rationally grant itself an extension under § 7407(d)(1)(B)(i). *See Chamber of Commerce v. SEC*, 412 F.3d 133, 143-44 (D.C. Cir. 2011) (where Congress requires agency to make certain assessment, agency must do so).

EPA also says it seeks more time to “consider completely all designation recommendations provided by state governors...and to rely fully on the most

recent air quality data.” Delay Letter 1; *see also* 82 FR 29,247/2-3 (claiming EPA needs time to consider such materials because of (statutorily irrelevant) review of “issues regarding the 2015 ozone NAAQS and its implementation”). But those excuses do not relate, nor do they even claim to relate, to the sufficiency of the information EPA possesses. EPA raises no concern about the sufficiency of the designation recommendations or any concern about the sufficiency of the air quality data before it. Because EPA’s decision “rests on reasoning divorced from the statutory text,” it is unlawful and arbitrary. *Massachusetts*, 549 U.S. at 532-33; *see NRDC v. EPA*, 777 F.3d at 468-69 (where EPA “explanation lacks any grounding in the statute,” it is unlawful).¹¹

B. EPA’s Purported Justifications for the Delay Are Arbitrary and Unlawful.

“Where, as here, Congress has delegated to an administrative agency the critical task of assessing the public health and the power to make decisions of national import in which individuals’ lives and welfare hang in the balance, that agency has the heaviest of obligations to explain and expose every step of its reasoning.” *American Lung Ass’n v. EPA*, 134 F.3d 388, 392 (D.C. Cir. 1998).

¹¹ Even if the statute were not so unambiguous, EPA’s attempt to import factors irrelevant to the adequacy of information would be due no deference, as it did not adopt that reading through any formalized or well-considered process. *See, e.g., United States v. Mead Corp.*, 533 U.S. 218, 228 (2001).

Here, EPA has not explained how the information it has is insufficient to promulgate designations. Nor has it explained how the purported “issues” implicated by its review of the 2015 standards relate to the adequacy of the information it has for making designations. EPA identifies no way in which “background ozone levels” or “international transport” are relevant to designations, nor can it. 82 FR 29,247/2; *see supra* p.14, n.9 (EPA defines “background” as ozone resulting from anything other than human-caused emissions within the United States). Indeed, the Act specifically deals with international transport at the post-designation stage, during actual implementation. *See* 42 U.S.C. § 7509a(a)-(b). Addressing it at the designation stage would thus conflict with Congress’s careful implementation design. EPA’s speculation that it might find new approaches for states to comply with the standards is utterly irrelevant to the issue of whether communities are currently meeting or violating the standards. 82 FR 29,247/2-3 (discussing new “Ozone Cooperative Compliance Task Force” (emphasis added)). The Designations Delay is thus arbitrary.

Even if EPA’s stated bases for wanting more time were statutorily relevant, its reliance on them here was arbitrary. EPA claimed it cannot even tell if the information it has is insufficient, *id.* 29,247/2, but it has provided no explanation, much less a rational one, about why it cannot assess the information it has when it has all the information the statute and its own guidance say EPA needs. *See supra*

pp.9-10; Letter from Dannel Malloy, Gov. of Conn., to Scott Pruitt, Adm'r, EPA, at 3 (June 20, 2017) (“There is nothing missing from past information used by EPA to designate areas after previous revisions to the ozone NAAQS.”), Ex.9.

Also, EPA has already had months to consider the designation recommendations the states provided—all but one were submitted by mid-October 2016. *See* <https://www.epa.gov/ozone-designations/2015-ozone-standards-state-recommendations>. The last one was submitted in March 2017, but it is three sentences long, with the only substantive sentence consisting of the recommendation that EPA designate the same areas nonattainment under the 2015 standards as it did under the 2008, with the same boundaries. Letter from Larry Hogan, Gov. of Maryland, to Cecil Rodrigues, Acting Regional Adm'r (Mar. 23, 2017), https://www.epa.gov/sites/production/files/2017-05/documents/md_recommendations.pdf. It is hardly credible for EPA to claim it requires an entire year to “consider completely” information it has had for months.

As well as being irrelevant, EPA’s claim that, because of the review of issues regarding the standards, it needs more time to consider “exceptional events impacting designations” as part of considering the state recommendations, 82 FR 29,247/3, is unsupported. EPA identifies no rational connection between the review and the level of consideration needed for such exceptional events. Nor does EPA cite any specific instances where attainment designations hinge on timely

submitted, yet unresolved claims of exceptional events. Even if there are such claims, EPA fails to show it lacks adequate information to resolve them before the October 1 designations deadline. Even after the announcement in April 2017 of the review, EPA swiftly fully processed and granted an exceptional event petition dated April 14, 2017. EPA-HQ-OAR-2017-0223-0004 (granting petition via letter dated May 30, 2017), Ex.8. Thus, the record evidence contradicts EPA's claim that it needs more time, rendering the claim arbitrary. *See Nat'l Lime Ass'n v. EPA*, 233 F.3d 625, 634-35 (D.C. Cir. 2000).

Nor does EPA's claim about needing time to "rely fully on the most recent air quality data," Delay Letter 1, have any record basis. Those data were due to be certified by May 1, 2017, a month before EPA decided to extend the deadline and five months before the October 1 designation deadline. 40 C.F.R. § 58.15. EPA has provided no explanation why those periods are inadequate. To the contrary, EPA has previously made ozone designations only two months after receiving certified data. *See* 77 FR 30,088, 30,091/3, 30,095/2 (2012) (EPA finalized some designations on Apr. 30, 2012, using data certified by Feb. 29, 2012); *see also Miss. Comm'n*, 790 F.3d at 157-58. Thus, as well as failing to claim that it actually lacks the most recent air quality data, EPA has not made any rational claim that it lacked time to consider that information. *See Sorenson Comms. v. FCC*, 755 F.3d

702, 709 (D.C. Cir. 2014) (rule is arbitrary and capricious where it “is not only unsupported by the evidence, but contradicted by it”).

Further, EPA’s generic desire to consider new information cannot be reconciled with the Act’s requirement that EPA promulgate designations “as expeditiously as practicable,” with delay allowed only where the information EPA “has” is “insufficient,” 42 U.S.C. § 7407(d)(1)(B)(i). EPA here contravenes Congress’s command by delaying designations without explaining why the existing information is insufficient. EPA itself has recognized that it cannot keep waiting for new information instead of making designations, explaining during the designations process for the 2008 standards that “[n]ew technical data become available on a regular basis,” so “delay ‘to consider such new information would result in a never-ending process in which designations are never finalized.’” *Miss. Comm’n*, 790 F.3d at 158 (quoting letter from EPA Administrator) (alteration in original). In an analogous circumstance, where a statute required EPA to use the “best available evidence,” this Court has already held that “EPA cannot reject the ‘best available’ evidence simply because of the possibility of contradiction in the future by evidence unavailable at the time of action—a possibility that will always be present.” *Chlorine Chemistry Council v. EPA*, 206 F.3d 1286, 1290-91 (D.C. Cir. 2000) (emphasis in original). So too here: EPA’s preference to wait for more evidence is inconsistent with the Act and arbitrary.

C. Even If Some Delay Could Be Justified for Some Areas, EPA Has Not Justified the Across-the-Board One-Year Delay It Granted Itself.

Even if some information for some areas were insufficient—a claim EPA has not made or supported—EPA has not explained why a one-year extension for all areas is justified. The Act instructs EPA to make designations “as expeditiously as practicable,” and the length of any extension beyond the two-year outer deadline is limited to being “up to one year.” 42 U.S.C. § 7407(d)(1)(B)(i) (emphasis added). Thus, a one-year extension is not a default: it is an outer bound, with EPA obligated to move as quickly as practicable to promulgate designations. Here, EPA has given no explanation why a full year’s extension is rationally justified anywhere, let alone for every single area of the nation. That is arbitrary. *See American Lung*, 134 F.3d at 392. Further, because EPA failed to address the statutory requirement to designate as expeditiously as practicable, the Designations Delay is unlawful and arbitrary. *See Public Citizen v. Fed. Motor Carrier Safety Admin.*, 374 F.3d 1209, 1216 (D.C. Cir. 2004).

EPA claims that its review of certain issues relating to the standards and their implementation, like background ozone levels, international transport of ozone pollution, and exceptional events, affects its ability to make designations. 82 FR 29,247/2-3. Even if that were true—and it patently is not, *see supra* pp.14-15—EPA has not explained why those issues are relevant over every square inch of the

nation. To the contrary, EPA identified no specific area where any such issue precluded rational designations.

Far from claiming that background ozone levels are high enough to matter for regulatory purposes everywhere in the country, EPA has made clear that “the locations that are most strongly influenced by background [ozone] are relatively limited in scope, i.e., rural areas in the intermountain western U.S.” EPA-HQ-OAR-2008-0699-4309 at 347 (EPA Response to Comments on establishment of 2015 standards). The same holds for international transport. 80 FR 65,328/2. Nor does the Designations Delay identify any specific area where designation hinges on an unresolved claim that exceedances of the standards resulted from exceptional events, much less that such claims exist for every area of the nation. EPA has thus failed to explain why it chose to delay designations for the entire country. *See, e.g., Sorenson Comms.*, 755 F.3d at 709.

If EPA lacked sufficient information for certain areas, EPA arbitrarily failed to consider its time-tested alternative to a national delay. In prior designations, EPA has issued designations for certain areas while deferring designations for others for which it lacked sufficient information. For example, in making designations under the 2012 particulate matter standards, EPA extended its deadline for 10 specific areas where it had insufficient monitoring data “to determine whether the areas are meeting or are not meeting the [standards],” and

an additional year would give it those data, but EPA promulgated designations for the rest of the country, for which it had data or for which an additional year's worth of data would still be insufficient. 80 FR 2206, 2207/3 (Jan. 15, 2015); *see also* 75 FR 71,033, 71,035/3-36/1 (2010) (similar for designations under 2008 lead standard). Assuming there were some (unexplained) factual basis for EPA's concerns about the completeness of its information, it was arbitrary for EPA not even to consider the option of making some designations but deferring others. *E.g.*, *State Farm*, 463 U.S. at 46-48 (agency failure to consider reasonable alternative renders its action arbitrary); *Del. Dep't of Nat. Res. v. EPA*, 785 F.3d 1, 17-18 (D.C. Cir. 2015) (where EPA failed to consider "reasonable alternatives" to uniform national rule, "its action was not rational and must, therefore, be set aside").

II. IN THE ALTERNATIVE, THE COURT SHOULD STAY THE DESIGNATIONS DELAY.

If the Court does not summarily vacate the Designations Delay, it should stay EPA's action pending merits review. A stay's issuance depends on balancing four factors: (1) petitioners' likelihood of success on the merits; (2) whether petitioners will suffer irreparable harm without a stay; (3) whether a stay will substantially harm other parties; and (4) the public interest. D.C. Cir. R.18(a)(1); *see, e.g., League of Women Voters v. Newby*, 838 F.3d 1, 6 (D.C. Cir. 2016). As

discussed above, the Designations Delay is clearly illegal and arbitrary, meaning the first factor strongly favors Petitioners. As discussed below, so do the other three.

A. The Designations Delay Will Irreparably Harm Petitioners.

Unless this Court summarily vacates the Designations Delay, judicial review in this case will mostly likely extend well beyond October 1, 2017, the date by which, under the Act, EPA must promulgate designations. Without a stay pending judicial review, Petitioners' members face a substantial likelihood of irreparable harm resulting from the Designations Delay.

By delaying designations, EPA delays pollution controls required by the Act to curb ozone levels EPA agrees are unsafe in communities where Petitioners' members live, work, and enjoy recreation. Such communities include areas currently designated as attainment under the 2008 standards but whose ozone levels violate the 2015 standards; because of the Designations Delay, they will not be timely designated nonattainment and thus will lack the anti-pollution protections that a nonattainment designation would accord them. *See supra* pp.6-7; Berman Decl. ¶¶ 17-34, Ex.23; Craft Decl. ¶ 14, Ex.27. These important protections include measures states adopt into their implementation plans to limit emissions of ozone-forming chemicals sufficiently for the area to come into attainment, as well as attainment deadlines, nonattainment new source review for

new or modified major sources of pollution, like factories and power plants, and pollution controls for large existing plants.

These delays will irreparably harm Petitioners' members by prolonging their exposure to ozone levels EPA has found cause deaths, asthma attacks in children, emergency room visits, hospitalizations, and other serious health harms. RIA at ES-16 tbl.ES-6; *see also id.* ES-2 to -3. The attached Declarations, Exs.20-46, demonstrate the human impacts of these harms. Krystal Henagan is a member of Petitioners Environmental Defense Fund and Sierra Club living in San Antonio, a city with ozone levels that violate the 2015 standards, but is designated attainment under the 2008 standards. Henagan Decl. ¶¶ 1-2, 4, Ex.34; Berman Decl. ¶ 19. She struggles with her 8-year-old son's asthma, which is controlled by four medications, and which has been "life threatening" in the past. Henagan Decl. ¶¶ 5-9, 12. Her son regularly must go to the doctor—12 visits in 2017 alone—and "he has missed countless school days due to poor air quality exacerbating his asthma," days during which Ms. Henagan must stay home and care for him. *Id.* ¶¶ 7-12. She fears he will suffer asthma attacks or that she "would need to rush him to the hospital due to his inability to breathe." *Id.* ¶ 8.

Rhonda Anderson, a Sierra Club member living and working in Detroit (also a city with ozone levels that violate the 2015 standards, but designated attainment under the 2008 standards, Berman Decl. ¶ 19), a grandmother, and a senior with

asthma, describes how, even as an adult, she has had to go to the hospital because of her asthma, and her daughters and granddaughters have similarly had to go (both as adults and as children). Anderson Decl. ¶¶ 4-6, Ex.21. She describes the trauma of going to the emergency room because of a child's asthma attack:

Often, I have spent no less than 4 hours waiting, all the while wondering when my child will be able to see the doctor. Once we are called, we get sent to a second crowded room with breathing machines, and every station is filled with a child having an asthma attack. It is very stressful and there is nothing that can take my mind off the fact that I have a sick child that I cannot help.

Id. ¶ 6. Family members and others she knew have died from asthma attacks. *Id.*

¶ 8.

Other declarants further detail how the health harms ozone causes affect them. Nsedu Obot Witherspoon, a member of the American Public Health Association, has a seven-year-old son with asthma. Witherspoon Decl. ¶ 5, Ex.46. He endured "his first bad asthma attack at just three years old," so bad that when they got to the doctor,

they said his oxygen levels were so low that we had to leave our car and go immediately to the ER in an ambulance. This was one of the scariest moments of my life. He was hospitalized for two nights. He was again hospitalized at the age of four.

Id. Even now, despite "a rigorous asthma management plan with frequent check-ups at the pediatrician's office," "his asthma acts up...frequently...when air quality is bad." *Id.* ¶ 6. "[H]e often has to slow down or sit out on high air pollution days,"

instead of playing outside or walking or hiking with his siblings and parents. *Id.*

¶¶ 3-4, 7.

Petitioners' members living, working, and recreating in areas attaining the 2008 standards, but with ozone levels that violate the 2015 standards routinely find their ability to breathe impaired (*see, e.g.*, Anderson Decl. ¶¶ 4-5; Brock Decl. ¶ 5 (Atlanta area), Ex.24; Einzig Decl. ¶¶ 3-5 (Baltimore), Ex.30; *see also* Berman Decl. ¶¶ 19, 22-23) and their ability to work and their children's ability to attend school impeded (*see, e.g.*, Einzig Decl. ¶ 8; Henagan Decl. ¶¶ 6-7). Because of their health concerns, they must refrain from outdoor activities they would otherwise enjoy. *See, e.g.*, Seal Decl. ¶ 10 (San Antonio), Ex.41; Einzig Decl. ¶ 7. Petitioners have tens of thousands of other members residing in such areas. *See* Stith Decl. ¶ 10, Ex.42; Berman Decl. ¶¶ 19, 22 & attach.1.

Because the attainment deadlines run from the date of designation, *see supra* p.6, the ozone pollution levels in these areas will be allowed to remain at dangerously elevated levels for an additional year because of EPA's year-long Designations Delay unless this Court stays EPA's unlawful action. *See* Craft Decl. ¶ 14. Petitioners' members living in such areas, who experience severe harms to their health and wellbeing because of ozone pollution, will thus be harmed both by the delay in mandatory pollution reductions and by the additional year that they will have to endure dangerous ozone levels.

Even in areas violating both the 2008 and 2015 standards, the Designations Delay means Petitioners' members there will receive neither the benefits of pollution reductions designed to drive compliance with the new, more protective 2015 standards nor the benefit of actual compliance with those standards as soon as they would absent the Designations Delay. For example, Jane Reardon, a nurse and member of Petitioner American Lung Association's board, lives and works in Hartford County, Connecticut, caring for patients "who are hospitalized as a result of respiratory ailments," including "many...patients...older than 65, like [her]." Reardon Decl. ¶¶ 1, 5-6, Ex.39; *see also id.* ¶ 7 (describing activities she engages in outdoors near her home, thus exposing her to dangerous ozone pollution). Hartford County violates both the 2008 and 2015 standards. *Id.* ¶¶ 1, 5; Berman Decl. ¶¶ 17, 30. As a result of the Designations Delay, implementation of the 2015 standards in Hartford County will be delayed a year, and the area's attainment deadline will, too, thus endangering her health and her patients' health. Reardon Decl. ¶ 8; *see also* Lyon Decl. ¶¶ 4-5 (describing how patients in Philadelphia with lung disease must miss medical appointments because poor air quality causes symptoms to flare up). Accordingly, the harms described above affect even more of Petitioners' members.

These human health harms resulting directly from EPA's Designations Delay are irreparable, for ultimate success on the merits cannot undo them: no

court order can enable EPA to raise the dead, undo asthma attacks, reverse a hospitalization, or restore a missed day in the classroom or at work. *See Wisc. Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985). Petitioners' members, their families, and, for medical professionals, their patients have demonstrated heightened vulnerability to ozone pollution and already experience serious harms from it. The harms to them absent a stay are "likely," as well as "certain and great," "actual and not theoretical," "beyond remediation," and so "imminent that there is a clear and present need for equitable relief to prevent irreparable harm." *League of Women Voters*, 838 F.3d at 6-8; *see also Coleman v. Paccar, Inc.*, 424 U.S. 1301, 1307-08 (1976) (Rehnquist, J., in chambers) (finding "irreparable harm" where lower court stay of motor vehicle safety standards would delay "for a year or more" "[e]ffective implementation...of the congressionally mandated" program to "reduce traffic accidents and deaths and injuries").

Likewise, the Designations Delay is substantially likely to cause irreparable environmental harms, including to places Petitioners' members use and enjoy. *See* Kodish Decl. ¶¶ 2-6, 9-14, Ex.35; Toher Decl. ¶¶ 3-8, Ex.43. Ozone damages vegetation and forested ecosystems, causing or contributing to widespread stunting of plant growth, tree deaths, visible leaf injury, reduced carbon storage, and damage to entire ecosystems. PA 5-2 to -3; ISA 9-1; 80 FR 65,370/1-2, 65,377/3. EPA acknowledges that, "[i]n terms of forest productivity and ecosystem diversity,

ozone may be the pollutant with the greatest potential for region-scale forest impacts.” RIA 7-3. Such widespread vegetation and ecosystem losses are irreparable, as they cannot “be adequately remedied by money damages” and are of “permanent or at least of long duration.” *Amoco Production Co. v. Village of Gambell*, 480 U.S. 531, 545 (1987).

In short, without a stay pending judicial review, EPA will delay initial area designations beyond what the statute allows, making for a longer period of time that Petitioners’ members will be exposed to excessive amounts of air pollution that causes them serious harms. There can be “no do over and no redress” later, *League of Women Voters*, 838 F.3d at 9, for the irreparable health and environmental harms that Petitioners’ members (and the broader public) are virtually certain to experience absent a stay.¹²

B. A Stay Will Not Harm Other Parties.

As the agency responsible for the proper execution of the Clean Air Act, EPA cannot be substantially harmed by a stay that would prevent it from giving effect to an illegal and arbitrary action. *See Nat’l Ass’n of Farmworkers Orgs. v. Marshall*, 628 F.2d 604, 615 (D.C. Cir. 1980) (“consequences [that] are no

¹² For similar reasons, Petitioners have standing to challenge the Designations Delay. *See* Declarations.

different from [agency's] burdens under the statutory scheme" "do not constitute substantial harm for the purpose of delaying injunctive relief").

Moreover, a stay would not prevent EPA from reviewing the 2015 standards or their implementation. The Act plainly contemplates that EPA will implement ozone standards even as it reviews them. Indeed, the Act puts the ozone standards on an implementation schedule that can last up to 20 years, while requiring EPA to review standards at least every 5 years. *Whitman*, 531 U.S. at 485 ("Congress knew" EPA could review ozone standards at any time, but still established implementation framework "reaching...far into the future") (discussing 42 U.S.C. §§ 7409(d)(1), 7511(a), and 7511a). Thus, EPA would not experience harm from this Court's staying the Designations Delay.

C. The Public Interest Strongly Favors Staying the Designations Delay.

EPA projects that compliance with the 2015 standards will realize significant health benefits. Outside of California, EPA estimates that compliance with the standards will result in upwards of 600 lives saved, over 250 heart attacks avoided, about 1,000 hospital admissions or emergency room visits prevented, 230,000 asthma attacks in children prevented, and 160,000 school loss days for children averted each year. RIA at ES-16 tbl.ES-6. The economic value of these benefits substantially outweighs the costs of achieving them. *Id.* ES-15 tbl.ES-5. In

making its estimate of public health benefits, EPA assumed designations would be completed in late 2017. *See id.* ES-2 to -3. These health benefits would come on top of the public health gains from achieving the 2008 standards and from several other pollution reduction requirements EPA put in place around the time it finalized the 2015 standards. *Id.* 6-1 (“The benefits...are estimated as being incremental to attaining the existing standard of 75 ppb.... These estimated benefits are incremental to the benefits estimated for several recent rules....”).

These protections are already years overdue. EPA’s deadline for reviewing and revising the 2008 standards fell in March 2013. *See* 42 U.S.C. § 7409(d)(1) (five-year review cycle); 73 FR 16,436 (standards promulgated in March 2008). EPA acted over 18 months late, and only after being sued (a suit in which it requested still more time to finalize its review and revision of the 2008 standards). Order 1-2, *Sierra Club v. EPA*, No. 13-cv-2809 (N.D. Cal. Apr. 30, 2014) (rejecting timeframe EPA sought for finishing rulemaking). Delaying the designations will cause serious harm to the breathing public and to the environment. *See supra* pp.25-31; Craft Dec. ¶ 14 (delaying designations will “lead to a longer period of inaction before measures to abate health-harming ozone are undertaken in these heavily impacted areas,” resulting in “delayed attainment and more exposure to ground-level ozone,” resulting in “more asthma attacks, hospitalizations, emergency room visits, and premature deaths in those areas”).

On the other side of the ledger, industry and states are not cognizably harmed by having to comply with the ozone implementation program Congress enacted. *See, e.g., League of Women Voters*, 838 F.3d at 12 (“There is generally no public interest in the perpetuation of unlawful agency action.”). Moreover, history shows this country can have both economic growth and air pollution reductions. *See, e.g.,* https://gispub.epa.gov/air/trendsreport/2016/#econ_growth_cleaner_air_ (over 1970-2015, emissions of the six pollutants most directly limited by national ambient air quality standards decreased 71%, and gross domestic product increased nearly 250%), Ex.15.

The public interest thus strongly favors staying the Designations Delay. The Designations Delay means that Congress’s carefully-refined ozone nonattainment provisions will not engage as quickly as EPA assumed in its regulatory analysis. The pollution reductions they are specifically designed to assure will not occur as quickly, either. Thus, without a stay, compliance with the standards will be delayed, and Congress’s promise to all residents of this country that they will have safe air to breathe will go unfulfilled even longer than it already has. Significant numbers of lives will be needlessly worsened or lost as a result. Such an outcome flouts the public interest and the purpose of the Clean Air Act. *Union Elec. v. EPA*, 427 U.S. 246, 256 (1976) (Clean Air Act is “a drastic remedy to what was perceived as a serious and otherwise uncheckable problem of air pollution”).

CONCLUSION

For the foregoing reasons, Petitioners respectfully request summary vacatur of the Designations Delay or, in the alternative, a stay of the Designations Delay and expedited review, *see* D.C. Cir., *Handbook of Practice and Internal Procedures* 33 (Jan. 26, 2017).

DATED: July 12, 2017

Respectfully submitted,

/s/Ann Brewster Weeks (w/permission)

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

Counsel hereby certifies, in accordance with Federal Rules of Appellate Procedure 32(g)(1) and 27(d)(2) and D.C. Circuit Rule 18(b), that the foregoing **Motion for Summary Vacatur or, in the Alternative, for Stay Pending Judicial Review** contains 7,760 words, as counted by counsel's word processing system, and thus complies with the 7,800 word limit.

Further, this document complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5) & (a)(6) because this document has been prepared in a proportionally spaced typeface using **Microsoft Word 2010** using size 14 Times New Roman font.

DATED: July 12, 2017

/s/Seth L. Johnson
Seth L. Johnson

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July, 2017, I have served the foregoing **Motion for Summary Vacatur or, in the Alternative, for Stay Pending Judicial Review** on all registered counsel through the court's electronic filing system (ECF) and by email.

/s/Seth L. Johnson

Seth L. Johnson

To: Emily.Flitter@thomsonreuters.com[Emily.Flitter@thomsonreuters.com]
Cc: Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Bowman, Liz
Sent: Thur 7/13/2017 1:56:38 PM
Subject: RE: Earthjustice/NRDC suit on Ozone rule - comment?

Hi Emily – I saw your article on this and I don't think it's a fair description of the events that occurred at all. Rather than focusing on what actually happened – a sue and settle effort by NGOs, rather than a willingness to engage, your article makes the assumption that EPA is taking actions that could harm human health.

From: Bowman, Liz
Sent: Wednesday, July 12, 2017 5:42 PM
To: 'Emily.Flitter@thomsonreuters.com' <Emily.Flitter@thomsonreuters.com>
Subject: RE: Earthjustice/NRDC suit on Ozone rule - comment?

Thanks for your call now – In addition to the call, below please find some background. Thanks – Liz

Background: This is not about litigation; this is about the Agency's path forward on the 2015 ozone NAAQS. EPA's decision to exercise the discretion to make the designations for ozone within an additional year of time. The Clean Air Act provides the authority for the Agency to do so. As stated in the letter to the Governors informing them of the decision:

Pursuant to section 107(d)(1)(B) of the Clean Air Act (CAA), I am extending the deadline for promulgating initial area designations for the 2015 ozone NAAQS by one year. I have determined that there is insufficient information, and taking additional time is appropriate in order to consider completely all designation recommendations provided by state governors pursuant to CAA section 107(d)(1)(A) and to rely fully on the most recent air quality data.

Additionally, meeting deadlines is a priority for the Administrator. While the agency has historically not met the 2-year deadline to make designations relative to a new standard, that is an unacceptable outcome for Administrator Pruitt. With insufficient information, designating all areas by the October 1, 2017 deadline would not have been practicable so he exercised his authority under the Clean Air Act to extend the deadline for up to one year.

Why did EPA reach out to Earth Justice?

The Administrator is committed to listening and engaging with all interested stakeholders. Originally, Earth Justice sent us a letter on the 5th saying we need to respond by the 11th or they

would sue us. We met that deadline in reaching out to them, asking them to give us more time because the actions we are poised to take would make any litigation unnecessary.

From: Emily.Flitter@thomsonreuters.com [mailto:Emily.Flitter@thomsonreuters.com]
Sent: Wednesday, July 12, 2017 4:13 PM
To: Press <Press@epa.gov>
Subject: Earthjustice/NRDC suit on Ozone rule - comment?

Hi,

Do you have a comment for my story today on the NRDC/Earthjustice suit against the EPA over the ozone rule? My deadline is ASAP. Thank you!

Best,

Emily

Emily Flitter
Correspondent

Thomson Reuters

Phone: Ex. 6 - Personal Privacy
@FlitterOnFraud
thomsonreuters.com

To: Graham, Amy[graham.amy@epa.gov]
From: Kissel, Mary
Sent: Wed 7/12/2017 9:04:34 PM
Subject: Re: Fantastic discussion on SIPs, thank you

On hold for now. Unclear how we can argue it's good federalism if the mandates are set in DC and the mandates themselves need Congressional reforms.

On Wed, Jul 12, 2017 at 1:57 PM, Graham, Amy <graham.amy@epa.gov> wrote:

Hey Mary – Just wanted to check in and see if you are still interested in writing on this topic? Let me know if we can help track down any additional information.

From: Kissel, Mary [mailto:mary.kissel@wsj.com]
Sent: Thursday, June 22, 2017 3:55 PM
To: Graham, Amy <graham.amy@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Fantastic discussion on SIPs, thank you

Thank you Amy, got it. Working on a Florida editorial this afternoon, will turn to this tonight, appreciated. (Not for tonight's paper!)

On Thu, Jun 22, 2017 at 3:54 PM, Graham, Amy <graham.amy@epa.gov> wrote:

Hi Mary – As a follow up to our conversation yesterday, here is some of the information you requested. Some of this is taking a little longer to track down, so we're still working on it. I wanted to go ahead and send what we do have in the meantime. This is all on background.

Please let us know what questions you have.

Thanks,

Amy

Lingering non-approvals that are “no-brainers”:

Despite the fact that the Agency revised its ground-level ozone standard in 2015, EPA has not yet issued final action on many of the state plan revisions for the 1997 and 2008 ozone standards.

For a state like Florida, EPA has not issued final action on required state plan revisions submitted a decade ago to implement the 1997 ozone standard, which has been revised twice since that time.

(https://www3.epa.gov/airquality/urbanair/sipstatus/reports/fl_infrabypoll.html)

Snapshot of resources state level agencies require for SIP related actions:

Texas Commission on Environmental Quality, “IMPLEMENTATION OF THE 2015 OZONE NAAQS: State Deliverables and Information Needs,” 2015 (this memo was provided to EPA/OIRA ahead of them finalizing the revised NAAQS): “The TCEQ has estimated that the agency’s level of effort required to develop an attainment demonstration and reasonable further progress SIP revision for a moderate nonattainment area is 45,000 to 55,000 hours of staff time, with an estimated cost of over \$1 million dollars.”

Another backlog problem – exceptional events, which is important for a state’s ability to meet ozone standard:

Arizona DEQ, March 2017 presentation: Between 2011 and today, Arizona Department of Environmental Quality has submitted more than 55 Exceptional Events Demonstrations. EPA has approved 17 of them, disapproved none, and not acted on the remainder.

Wyoming DEQ, 2015 testimony to House Science Committee: “So far, we are the only agency in the nation that has received concurrence for a stratospheric intrusion event. Based on this experience, each demonstration took between four and eight months to

produce. The effort to produce those demonstrations used internal staff with meteorological expertise as well as assistance from the EPA's stratospheric ozone intrusion workgroup, a group of state regulators, Federal regulators, and academics focused on researching and diagnosing stratospheric ozone intrusions.

While the DEQ has not produced a demonstration to show a clear causal relationship between a wildfire and ozone exceedance, the DEQ is familiar with the demonstrations that the EPA has posted as examples for wildfire impacts and ozone. The DEQ has concluded that it would require 15 months and contractor assistance of \$150,000 to produce one of these demonstrations and any future demonstrations will require comparable resource commitments."

May 2011 [letter](#) to EPA from its Local Government Advisory Committee on Exceptional Events backlog.

A study analyzing the impact of the SIP backlog: William Yeatman, Competitive Enterprise Institute, on limits of EPA's commitment to SIP backlog reform in an [August 2016 report](#): "In this manner, hundreds of new deadlines to review SIPs will come due during the period – October 1, 2013 to December 31, 2017- when the agency is working on the 'old' deadlines in the backlog."

From: Kissel, Mary [mailto:mary.kissel@wsj.com]
Sent: Wednesday, June 21, 2017 12:50 PM
To: Graham, Amy <graham.amy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Fantastic discussion on SIPs, thank you

Amy, thanks for organizing, much appreciated.

--

Mary E. Kissel
Editorial Board Member, The Wall Street Journal.
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To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Jack Gerard, API
Sent: Thur 1/4/2018 2:27:24 PM
Subject: Energy Policy New Year's Resolutions for Washington

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January 4, 2018

Dear Nancy,

In passing [tax reform](#) last month, Congress and the Trump administration set a course toward greater economic growth and increased U.S. competitiveness. Policymakers can continue on that path in 2018 by taking action to advance U.S. energy development – one of the [major drivers of job growth and economic benefits](#) for consumers.

Expand Energy Access: Natural gas and oil development is essential to the U.S. economy, supporting 10.3 million jobs across a range of industries and reducing costs for homes and businesses. And there's more where that came from. Accessing the [wealth of energy resources](#) located in offshore areas could generate hundreds of thousands of jobs and lead to production gains of more than a million barrels of oil equivalent per day – further reducing dependence on overseas energy. The Trump administration's new plan for [offshore development](#) could provide a welcome opportunity to bring [safe energy development](#) to new offshore areas.

Keep Competitive Electricity Markets: Natural gas is now the leading source for U.S. electricity generation, and its benefits are wide-ranging. Its [reliability, affordability and environmental benefits](#) (helping [reduce carbon dioxide emissions](#) in the power sector to near 30-year lows) have made it a fuel of choice for power plant operators. Proposals to alter electricity markets in ways that favor some fuel sources over others could disrupt the free-market competition that has worked so well for consumers. By maintaining a level playing field in electricity markets, policymakers in Washington and at the state level can protect consumers and ensure affordable, reliable and safe electricity for homes and businesses.

Capitalize on Energy Infrastructure Opportunities: Congress and the White House have pledged to make infrastructure a priority in 2018, and [energy infrastructure](#) offers exactly the job-creating, economy-strengthening opportunity they're looking for. Building [pipelines](#) and other infrastructure to keep pace with growing production could support up to 1,047,000 jobs each year on average through 2035 via shovel-ready projects that are not reliant on taxpayer dollars. Eighty-one percent of American voters support expanding U.S. energy infrastructure – making it an economic and political winner.

Cut Red Tape: States are currently saddled with the costly burden of complying with two [dueling sets of ozone standards](#) even though ground level ozone levels have decreased 17 percent since 2000. Legislation passed by the House would help provide regulatory certainty for states and businesses of all sizes while continuing to reduce ozone precursor emissions. Getting this sensible policy across the finish line should be a priority this year. Ethanol policy is also due for a rewrite. Without reform, the outdated [Renewable Fuel Standard](#) – which adds more ethanol to the nation's fuel supply each year, without fully taking market demand into account – threatens to [cause engine damage and raise consumer costs](#). The RFS was mandated a decade ago to reduce costs and reliance on foreign energy – two goals since achieved by the U.S. energy revolution. It's time to acknowledge current realities and repeal or

significantly reform the RFS.

Not only do pro-energy policies make good economic sense, they receive bipartisan support. Eighty percent of U.S. voters support increased domestic oil and natural gas production. As Congress and the Trump administration set priorities for 2018, pro-economy, pro-consumer energy policies should be on the short list.

Sincerely,

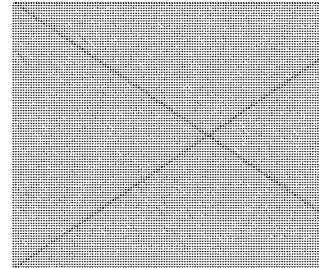
Jack N. Gerard
President & CEO
API

Offshore Energy: Safe Development for a Secure Energy Future

The natural gas and oil industry has the experience and advanced technology to safely develop the nation's offshore reserves, and we've worked together with regulators to make offshore development safer than ever. [Learn more about the importance of offshore energy to future U.S. energy security, and the steps we've taken to keep offshore development safe.](#)

Follow our Blog to stay up-to-date

To stay up-to-date on the latest energy-related news, there is no better place to check than the [Energy Tomorrow Blog](#).



About API:

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation's energy and are backed by a growing grassroots movement of more than 40 million Americans.

To learn more about API and the value of oil and natural gas, please visit [API.org](#).

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Jack Gerard, API
1220 L Street, NW
Washington, DC 20005
US

.....

To: Hull, George[Hull.George@epa.gov]
From: 4C HSE Conference
Sent: Thur 1/18/2018 6:52:57 PM
Subject: Choose from over 60 presentations...

April 3-5, 2018
San Antonio, Texas

So many presentations, so little time...

4C has received an overwhelming number of presentations for the 2018 conference, and we'd like your help identifying the most interesting topics.

Now is your chance to help build the 2018 4C Conference experience!

[SEE THE 2018 PRESENTATIONS →](#)

[REGISTER FOR THE CONFERENCE →](#)

The 8th annual 4C Health, Safety, and Environmental Conference is happening at the stunning JW Marriott Hill Country Resort in San Antonio, Texas April 3-5, 2018.

Want to get involved?
Contact us to reserve your
space at the 4C conference

© 4C Marketplace, LLC 771 E. Southlake Blvd, Suite 212 Southlake, TX 76092

**TSCA Reform, Take 2: Reconciling Trump's Deregulatory Agenda and
a Congressionally-Mandated Program**

Matthew Paulson - Bracewell, LLP

For more information on the
conference, please contact:

RSR SSM Impacts and Solutions of PMV Management

Andy Shurtleff - Airgas

Stephen Rust - Exhibitor »

stephen@4cmarketplace.com

**2015 Ozone Standards and Current Potential Shortage of
Emission Reduction Credits**

Mike Taylor - Emissions Advisors Inc.

Have Questions?

Flameless Oxidation Systems

Nick DiSanti - Process Combustion Corporation (PCC)

Connect With Us:

BWON Compliance in the Post-CD Era

Bruce Douglas - Principal Consultant, Trinity Consultants

Tell us which presentations you're most interested in seeing by
checking out the [list of 2018 presentations](#) and clicking the "I'm
interested in this presentation button".

Your input is extremely important and will be taken into account by the
4C steering committees responsible for building the official 2018
presentation agenda.

[Click Here to See the 2018 Presentation List](#)

Don't forget that 4C 2018 will also feature [expert-led training courses](#)
covering a variety of HSE topics. Register today to save your spot!

The 2016 show is shaping up to be the best 4C Conference yet, and we hope you'll join us in San Antonio in April!

[Facebook sponsor »](#)

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From: ECOS
To: Hull, George
Sent: 6/9/2017 4:11:09 PM
Subject: ECOS STEP Agenda, Innovative Approaches to Fostering Compliance, & More

ECOSWIRE | Vol. 19 No. 22

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ECOSWIRE

Friday, June 9, 2017

Vol. 19 No. 22

Table of Contents

- [ECOS Announces Dynamic STEP Meeting Agenda](#)
- [Workshop Summary Addresses Innovative Approaches to Fostering Compliance](#)
- [ECOS Leaders Join Keystone Energy Board to Discuss U.S. Energy Future](#)
- [State News You Can Use](#)
- [Need-to-Know News in Air, Water, & Chemicals and Emerging Contaminants](#)
- [U.S. EPA News](#)
- [ITRC News](#)
- [Upcoming Events](#)

ECOS Announces Dynamic STEP Meeting Agenda

ECOS is pleased to announce the [agenda](#) for its sixth annual State Environmental Protection (STEP) Meeting, planned for July 17 in Washington, DC. The interactive one-day gathering, themed *Reframing our Environmental Future*, will center on ECOS' cooperative federalism paper, to be released next week.

Among other highlights, the meeting will feature a luncheon keynote address by Richard Lazarus of Harvard Law School on the environmental future, and will include compelling roundtables that explore roles of various stakeholders in the new model of environmental cooperative federalism.

Specifically, roundtables will address:

- Federal and state roles, strengths, and partnerships;
- The role of corporate goals and measurement systems in achieving environmental results and maintaining license to operate;
- How nongovernmental and community organizations can achieve environmental protection and accountability;
- The role of science, research, and new technology;
- Communicating results, measures, outcomes, and safeguards, and defining success.

[Register for the STEP meeting](#) by **June 23** to receive the discounted registration rate. The hotel group rate is available until **June 26** or until the block is full. Breakfast, lunch, and breaks will be provided.

For more information on the meeting or speaking and sponsorship opportunities, please contact [Layne Piper](#) of ECOS. [Longworth]

Workshop Summary Addresses Innovative Approaches to Fostering Compliance

A [summary report](#) of *Research on Effective Government: A Workshop on Evaluating Innovative Approaches to Fostering Environmental Compliance* is now available. The workshop, held January 27, in Washington, DC, brought together environmental regulators from state agencies and U.S. EPA with scholars from a variety of disciplines for discussions about how regulators can leverage social science knowledge and research methods to foster compliance.

ECOS Compliance Committee Chair Jim Macy of Nebraska, Air Committee Vice Chair Ben Grumbles of Maryland, Water Committee Chair Craig Butler of Ohio, and other state

environmental agency representatives participated in the workshop.

As a result of the workshop, ECOS and U.S. EPA will host a series of webinars to provide examples of how social and behavioral science findings have informed public health efforts, followed by a discussion of potential compliance programs ripe for analysis. This series will convey what social scientists know about best practices in compliance effectiveness strategies and how pilots can test new ways to improve compliance outcomes.

The webinars will be held on the following dates:

- Introduction – **June 27, 3-4 p.m. Eastern**
- Monitoring – August 9, **3-4:30 p.m. Eastern**
- Rule and Permit Design – **September 28, 2-3:30 p.m. Eastern**
- Reporting and Transparency – **October 24, 2-3:30 p.m. Eastern**
- Innovative Enforcement – **November (TBD)**

For more information, contact [Sonia Altieri](#) of ECOS or [Leslie Cronkhite](#) of U.S. EPA.
[Altieri]

ECOS Leaders Join Keystone Energy Board to Discuss U.S. Energy Future



Keystone Energy Board Member and ECOS Waste Committee Vice Chair Chuck Carr Brown of Louisiana (left) with ECOS President John Linc Stine of Minnesota.

This week, ECOS President John Linc Stine of Minnesota and Executive Director Alexandra Dunn joined Keystone Energy Board Member Chuck Carr Brown of Louisiana for a meeting of the Keystone Energy Board in Washington, DC.

Currently, ECOS Alumnus Doug Scott (formerly an Illinois member) co-chairs the Board, which for more than 20 years has provided a forum for energy leaders to discuss and debate timely energy and environmental issues.

Topics on the agenda included the future of coal in the U.S. energy portfolio and energy cybersecurity. [Dunn]

State News You Can Use

[Several States Launch Climate Alliance in Wake of Paris Accord Withdrawal](#)

[Minnesota Expands Air Quality Monitoring](#)

[Mississippi Work with Local Governments Yields Record Brownfields Funding](#)

[Texas Honors Innovators with Environmental Excellence Awards](#)

[Oregon Holds Free Hazardous Waste Classes for Business and Industry](#)

[Hoosier Riverwatch Trains Indiana Citizens on Water Quality](#)

Need-to-Know News in Air, Water, & Chemicals and Emerging Contaminants

U.S. EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations

Area of Focus: [Air](#)

On June 6, U.S.EPA Administrator Scott Pruitt sent a [letter to Governors](#) informing them that the deadline for promulgating initial area designations under the 2015 National Ambient Air Quality Standards (NAAQS) for ozone will be extended by one year.

Under the Clean Air Act (CAA), EPA is required to issue designations within two years of publication of a new standard, and 2015 ozone NAAQS designations would have been due by October 2017, with state plans due to EPA by August 2017. However, section 107(d) of the CAA authorizes EPA to extend the deadline by up to one year “in the event the Administrator has insufficient information to promulgate the designations.”

The deadline extension allows the states additional time to develop their air quality plans, and allows EPA time to review the 2015 ozone NAAQS prior to taking its initial implementation step.

EPA is currently evaluating components of the 2015 ozone NAAQS with a focus on:

- Fully understanding the role of background ozone levels;
- Appropriately accounting for international transport; and
- Providing timely consideration of exceptional events demonstrations.

Further, pursuant to the language in the recently enacted FY2017 Omnibus funding bill, Administrator Pruitt is establishing an Ozone Cooperative Compliance Task Force to develop additional flexibilities for states to comply with the ozone standard.

For more information, please see this [EPA news release](#). [Poole/Swanson]

Strong Interest Demonstrated in WIFIA Funding

Area of Focus: [Water](#)

U.S. EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has received 43 [letters of interest](#) from prospective borrowers for water infrastructure projects in response to its [Notice of Funding Availability \(NOFA\)](#)

EPA reports that these letters, in which prospective borrowers have requested \$6 billion in loans, demonstrate the pressing need for infrastructure investments and the value of this WIFIA program. WIFIA money can only fund up to 49% of project costs, and the letters detail other funding to be used, including State Revolving Fund loans, private sources, and municipal bonds. [Piper]

NGA Releases Energy-Water Nexus Paper

Area of Focus: [Water](#)

The National Governors Association (NGA) released a paper this week entitled [Advancing the Energy-Water Nexus: How Governors Can Bridge Their Conservation Goals](#). The

report looks at opportunities to better design policy to support cost-effective conservation of energy and water resources.

ECOS Executive Director and General Counsel Alexandra Dunn participated in an experts roundtable that contributed to the final product. [Piper]

States and U.S. EPA ORD Establish Regular PFC Calls

Area of Focus: Chemicals and Emerging Contaminants

Last week, a small group of states and U.S. EPA's Office of Research and Development (ORD) held a call on challenges surrounding perfluorinated chemicals (PFCs). The discussion focused on analytical methods for identifying and measuring PFCs.

Given broad interest in the topic, the group is being expanded to allow states and ORD to regularly discuss PFC issues. If you or one of your staff would like to be added to the list for future calls, please email [Sarah Grace Longsworth](#) of ECOS. [Hanson]

U.S. EPA News

Patrick Traylor Joins U.S. EPA OECA Team

Patrick Traylor has been tapped to serve as U.S. EPA as Deputy Assistant Administrator in the Office of Enforcement and Compliance Assurance (OECA). Most recently, Traylor was a partner at Hogan Lovells, a multinational law firm headquartered in Washington, DC and London, where he focused on environmental law and litigation.

He also has held several law clerk positions at the American Chemistry Council, the U.S. Department of Justice (Environmental Enforcement Section), the U.S. Attorney's Office for the Southern District of Texas (Environmental Crimes Section), and the EPA Region 6 Office of Regional Counsel. [Altieri]

ITRC News

Interstate Technology and Regulatory Council

ITRC Calls for 2018 Technical Team Projects

ITRC is accepting proposals for 2018 technical team projects. All environmental topics important to states will be considered. Proposals that address the following top priorities identified in the [2016 ERIS/ITRC survey](#) will be ranked higher in the selection process:

- Treatment of drinking water and public water supplies;

- Water and groundwater quality – changing standards;
- New technologies/tools, resources to address remediation of contaminated sites;
- Emerging contaminants comparative risk-based standards and removal technologies; and
- Remedy resiliency and remedy design considerations.

Please follow the [evaluation criteria](#) and use the [proposal template](#) to submit your proposal. Proposals are due by **July 6**. Visit the [ITRC website](#) for more information, or contact Director [Patricia Reyes](#) with any questions. [Bodi]

Upcoming Events

Calls

Shale Gas Caucus

The ECOS Shale Gas Caucus (SGC) will hold a call on **June 21 at 3-4 p.m. Eastern** to discuss proposed topics for the third phase of its work. Call participants will include SGC Co-Chairs Martha Rudolph of Colorado and Dave Glatt of North Dakota; Scott Anderson, Ben Ratner, and others with EDF; Roy Hartstein of Southwestern Energy; and SGC members. Phase 3 will launch at the September 11-12 ECOS Fall Meeting in Jackson Hole, Wyoming.

A calendar invitation has been sent to SGC members. For more information, please contact [Lia Parisien](#) of ECOS. [Parisien]

Webinars

U.S. EPA on SPeCS for SIPs: Plan Collection Interface

U.S. EPA will conduct a repeat of a June 8 webinar on **June 13 at 2-3:30 p.m. Eastern** to provide state, local, and tribal air agencies an overview of the State Plan Electronic Collection System (SPeCS) for State Implementation Plans (SIPs). This new system, still in its early phases of development, will facilitate the electronic submission, processing, and review of SIPs and certain other state submissions to EPA. The webinar will focus on the “Plan Collection Interface” module of the web-based SPeCS, which will provide easy-to-use screens for air agency users to make submissions to the EPA. Through the webinar, EPA will seek air agency input in order to improve the design and functionality of the final system.

For more information on the webinar, contact [Mia South](#) of EPA. The webinar link is at [here](#). The meeting number is 741 215 540, with password 12345. Call (866) 557-3330 and use conference code 5037663218. After the presentations, recordings of the webinars will

be posted [here](#).

The [SPeCs for SIPs project](#) is part of the E-Enterprise for the Environment model. For more information on this project, contact [Kelly Poole](#) of ECOS. [Poole]

U.S. EPA on PCB FAST

U.S. EPA Region 9 will hold a webinar on **June 21 at 12:30-2 p.m. Eastern** detailing how to use the [PCB Facility Approval Streamlining Toolbox](#) (PCB FAST), a Lean-based process aimed to reduce the average time for PCB cleanup plan approvals. EPA Region 9 will discuss how it used a Lean Six Sigma event to reduce the cleanup plan application approval by 20% while improving communication, avoiding re-do loops, and strengthening relationships with state partners and the regulated communities.

The webinar is open to EPA, state, and industry attendees. To register, see [here](#). [Longworth]

U.S. EPA on Public Health Impact of Wildfire Smoke Emissions

U.S. EPA will hold a webinar on the “Public Health Impact of Wildfire Smoke Emissions” on **June 21 at 3-4 p.m. Eastern**. The webinar will focus on the agency’s 2016 [Wildfire Smoke: Guide for Public Health Officials](#), which educates those affected by wildfire smoke on how to reduce exposure, what public health actions are recommended, and how to communicate air quality to the public.

The webinar is open to state environmental and health agencies, tribes, local governments, communities, stakeholders, and others interested in learning about steps to reduce health effects from wildfire smoke emissions.

To register, click [here](#). [Longworth]

U.S. EPA on Water Issues

U.S. EPA has two ongoing webinar series addressing clean water and small water systems. The Office of Research and Development (ORD) hosts a series on [water research](#), with the following monthly webinars scheduled:

- **June 21** - Nonpotable Water Reuse in Urban Environments
- **August 30** - Nutrients: Weatherizing, Salinization, and Evolution of Urban Water
- **October 25** - Life Cycle Assessment as a Decision Support Tool

More information on the water research webinar series, including how to register, is available [here](#).

In addition, ORD and the Office of Water host a monthly [webinar series on small drinking water systems](#). Their schedule for the rest of the year is:

- **June 27** - Treatment for Harmful Algal Blooms and Associated Toxins and Funding for Upgrades
- **July 25** - Water Loss and Distribution System Infrastructure: Leak Detection and Cost Savings
- **August 29** - Treatment and Control for Manganese and Iron
- **September 26** - Small Systems Research DeRISK Center
- **October 31** - State Acceptance of UV Disinfection Technologies
- **November 28** - Lead in Schools and Selecting Lead Free Fixtures
- **December 12** - Residual Chlorine and Calibration Check for Chlorine Instruments

More information on the small systems webinars, including recordings of past webinars and how to register, is available [here](#). [Hanson]



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To: Hull, George[Hull.George@epa.gov]
From: Sustainable City Network
Sent: Thur 6/8/2017 12:15:14 AM
Subject: [SPAM] Top News: Bitter Reaction as Trump
Bails on Climate Accord

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June 7, 2017

FROM OUR VALUED SPONSOR

Crescent Electric: High Bay LED lights have a 50,000 hour life expectancy and a 5-year warranty. [Contact us for an energy audit.](#)

Bitter Reaction as Trump Bails on Climate Accord

257 U.S. Mayors Beg to Differ

By Randy Rodgers
Publisher & Executive Editor

Some of the 257 U.S. mayors, members of the Mayors National Climate Action Agenda, who recently released an open letter to President Trump to oppose his actions thus far against climate action.

The sustainability community erupted with nearly universal dismay, outrage and resolve in the face of President Donald Trump's

decision to pull the United States out of the Paris climate agreement

promise, pitting his administration against the 71 percent of U.S. citizens who believe climate change is a clear and present danger, and joining only the countries of Syria and Nicaragua in defiance of the accord, which was signed by nearly 200 nations.

The administration's official website at WhiteHouse.gov claims the Paris deal "created a taxpayer funded U.N. climate slush fund," an idea made popular by conspiracy theorists who believe the United Nations' effort to combat climate change is a veiled attempt to erode American sovereignty. Citing disputed facts about the cost in jobs and the "negligible" environmental benefits of the pact, Trump said the Paris Accord was "negotiated badly" by the Obama administration and imposed unrealistic carbon reductions on the U.S. "while giving countries like China a free pass for years to come."

In justifying his decision, Trump famously said, "I was elected to represent the citizens of Pittsburgh, not Paris." That statement ignored two important facts: 1) In the 2016 presidential election, Hillary Clinton won 75 percent of the vote in the city of Pittsburgh; and 2) Pittsburgh and Paris are actually on the same planet, which is really what the Paris Accord was all about.

[Read More...](#)

True North: Make your health plan more sustainable! [Click here for more information.](#)

Latest News

Cities Selected for Equitable Economic Development Fellowship

WASHINGTON -- National League of Cities, PolicyLink and the Urban Land Institute announced the selection of six additional cities for pa...

APPA, National Lab to Improve Electric Reliability

WASHINGTON -- The American Public Power Association has signed a Memorandum of Understanding with the Lawrence Berkeley National Laborat...

NY to Help Farmers Cut Energy Costs and Utilize Clean Energy

ALBANY, N.Y. -- Governor Andrew Cuomo announced the release of a comprehensive strategic plan to help farms across New York State cut energy c...

DOT Announces \$527.8 Million in Infrastructure Grants to

Elaine L. Chao announced the Federal Aviation Administration will award \$527.8...

CaGBC launches Canada's first Zero Carbon Building Standard

VANCOUVER, B.C. -- The Canada Green Building Council has taken a major step toward achieving Canada's climate change commitments with the laun...

Blue Accounting to Protect Great Lakes Source Water

ANN ARBOR, Mich. -- The Great Lakes Commission recently brought together water professionals from around the Great Lakes basin to discuss regi...

Suez. Ready for the resource revolution - [Learn more at Suez-na.com](http://www.suez-na.com)

Energy Department Adds \$20 Million in Research Awards

WASHINGTON -- The U.S. Department of Energy announced it is honoring additional commitments to 10 previously selected Advanced Research ...

EPA: Atlanta Area Attains 2008 8-Hour Ozone Standard

ATLANTA -- The U.S. Environmental Protection Agency announced that it is taking final action to approve the state of Georgia's request to...

Energy Department to Fund 19 Tribal Energy Projects

WASHINGTON -- The U.S. Department of Energy Office of Indian Energy Policy and Programs announced funding for 19 Indian tribes to take t...

EPA Brownfields Cleanup Funding Announced for Earth Conservancy

WASHINGTON -- The U.S. Environmental Protection Agency selected 172 communities and organizations across the country including Earth Con...

Practice Greenhealth and ACCO Announce Partnership

WASHINGTON -- Practice Greenhealth is constantly looking for

Online Course

Lean Thinking: Process Mgmt Made Easy

Sustainable City Network and NWETC have teamed up to offer this 6-hour online course June 20-22 on the Lean process improvement system.

This course will challenge your ideas about how you think about and evaluate the work you do.

Our Lean Master

ways to enrich your experience as an organizational member. One way is by c...



Adventist Health System Receives Gallup Great Workplace Award **ACE to Improve Energy Efficiency at Federal Facilities**

ORLANDO, Fla. -- Adventist Health System has been named a 2017 Gallup Great Workplace Award winner. This marks the seventh consecutive year th
DALLAS -- Lockheed Martin has been selected for a U.S. Department of Energy contract to improve energy and water efficiency at federal...

HHS Announces Over \$70 Million in Grants to Address Applied Medical Installs Nearly Three Megawatts of Solar **Opioid Crisis**

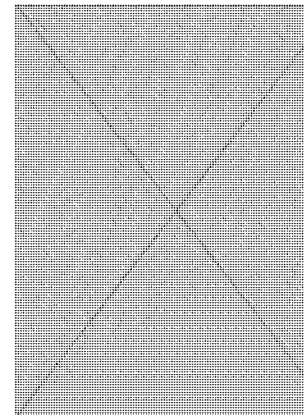
RANCHO SANTA MARGARITA, Calif. -- Applied Medical, a developer and provider of minimally invasive surgical devices, announced the completion o...
WASHINGTON -- U.S. Department of Health and Human Services Secretary Tom Price, M.D., announced the availability of more than \$70 millio...

Econolite Introduces EOS Traffic Control Software

ANAHEIM, Calif. -- Econolite recently introduced EOS traffic controller software. EOS is a next-generation, easy-to-use, web-based user interf...

Orion Lighting to Upgrade VA Hospitals to LED Lighting

MANITOWOC, Wis. -- Orion Energy Systems, a designer and manufacturer of high performance, energy-efficient LED retrofit lighting products, ann...



Vol. 23: Read it now

certified instructor,
Brion Hurley, is
principal Lean
consultant at
Rockwell Collins.
He will introduce
the history of Lean
concepts, derived
from the Toyota
Production System,

and explain how
and why they have
come full-circle
back to the United
States.

Results of Lean
initiatives have led
to increased
customer and
stakeholder
satisfaction,
reduced costs,
reduced risks,
increased sales,
and more flexible
and agile
organizations.
Perhaps the largest
benefit has been
more engaged
employees, where
people enjoy the
work they do.

Examples of Lean
successes can be
found within city
and state agencies,
utilities, nonprofits,
law firms, military,
public schools,
startup companies,
movie studios and
even farming!

[Read more...](#)

Online Course

Creating a Sustainability Strategy

Sustainable City
Network will present
a webinar series in
July for any
personnel who are
responsible for
developing
sustainability plans,
greenhouse gas
emission
inventories, climate

Sustainable City Network operates a website (www.sCityNetwork.com), customized e-newsletters, online training, conferences and other interactive tools dedicated to providing quality and timely information on sustainability products, services and best practices to business, government, education and healthcare.
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**Sustainable City
Network**
801 Bluff St. for a
Dubuque, IA 52001,
563.588.3853
business or
institution.

Sent to Hull.George@epa.gov. [Unsubscribe](#) | [Update Profile](#)

The 6-hour online course, Creating a Sustainability Strategy for Your Organization, will be delivered live on July 11-13. Sessions will be recorded so registrants may attend live or via on-demand streaming video.

This course, featuring veteran instructor Antonia Graham, will focus on the implementation and strategic thinking that is required to implement a Sustainability Plan. This course will teach you how to incorporate storytelling and systems thinking into a strategic plan that gets your plan implemented and enables you to move the needle further and faster to create a more sustainable community.

This course will be presented in three 2-hour sessions held on consecutive days, July 11-13. (Group rates available on the registrations page.)

[View more...](#)

Sustainable City Network operates a website (www.sCityNetwork.com), customized e-newsletters, online training, conferences and other

government, education and healthcare.
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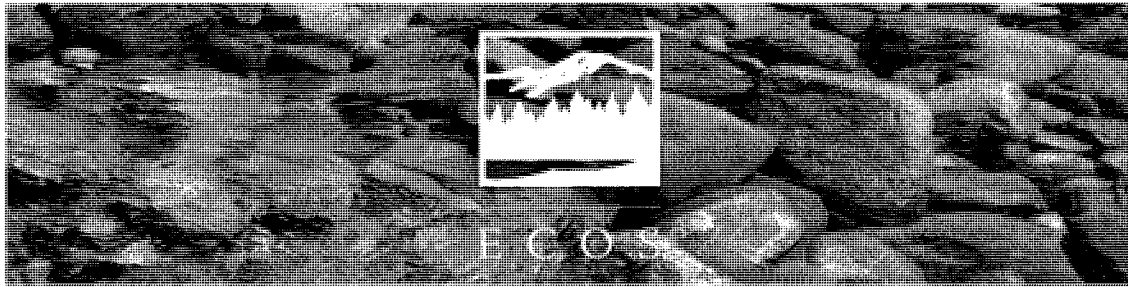
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Sent to Hull.George@epa.gov. [Unsubscribe](#) | [Update Profile](#)

From: ECOS
To: Hull, George
Sent: 4/14/2017 6:28:19 PM
Subject: Record Number of Attendees Gather for Successful Spring Meeting, Arizona DEQ Invites States to Lean Rollout, & More

ECOSWIRE | Vol. 19 No. 14

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ECOSWIRE

Friday, April 14, 2017

Vol. 19 No. 14

Table of Contents

- [Record Number of Attendees Gather for Lively and Productive ECOS Spring Meeting](#)
- [Arizona DEQ Invites State Observers for Lean Management System Rollout](#)
- [E-Enterprise for the Environment Engagement Forum Spotlights Successful Projects](#)
- [Martineau Testifies on Behalf of ECOS at House Hearing on Brownfields](#)
- [ECOS Members Speak to the National Academies](#)
- [ECOS Launches Facebook Page](#)
- [ECOS Wants to Hear about State Plans for Earth Day Festivities](#)
- [State News You Can Use](#)
- [Need-to-Know News in Water & Air](#)
- [Federal Agency News](#)
- [U.S. EPA News](#)
- [Appointment & Career Opportunities](#)
- [Upcoming Events](#)

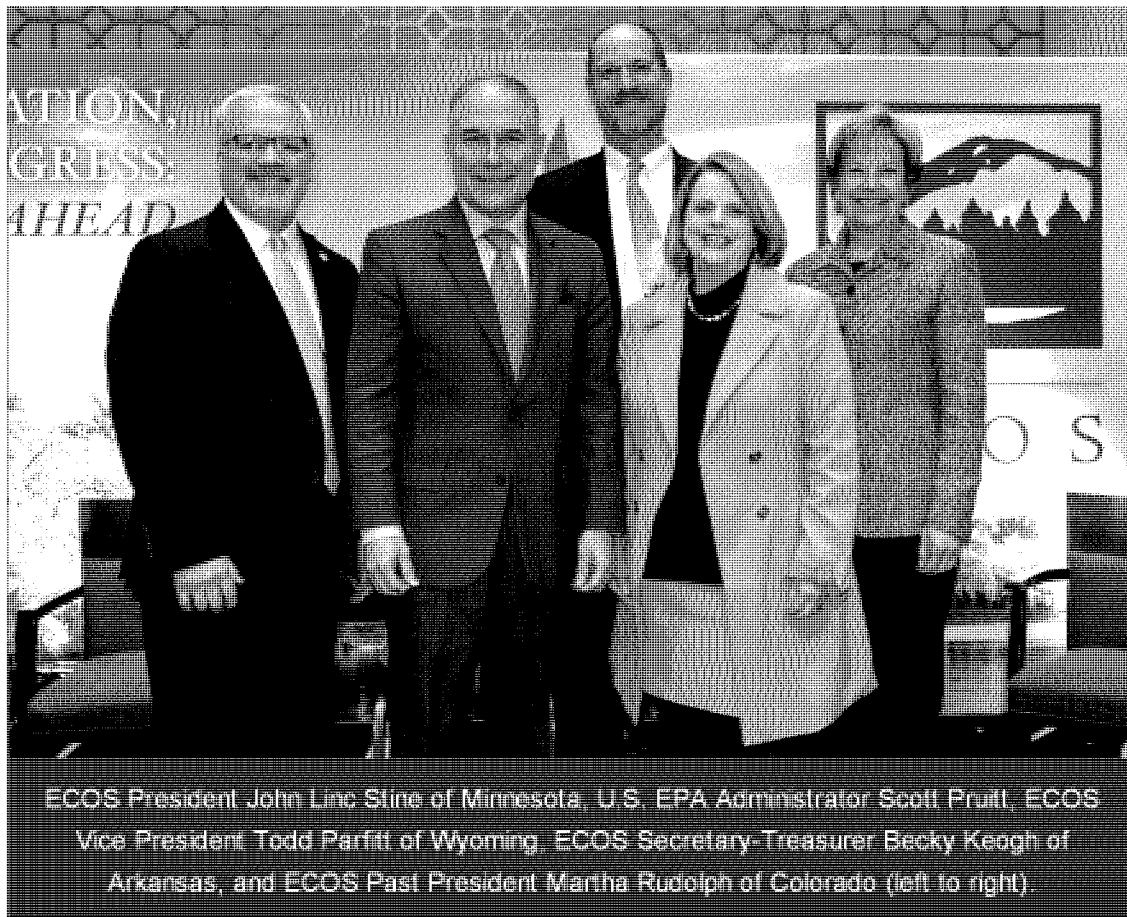
Record Number of Attendees Gather for Lively and Productive ECOS Spring Meeting

A record-setting 273 attendees representing 45 states and the District of Columbia, federal agencies, non-governmental organizations, and industry gathered last week in Washington, DC, for a wide-ranging and well-received ECOS Spring Meeting. Highlights of the two-day public gathering included a rousing luncheon keynote by Arizona Department of Environmental Quality Director Misael Cabrera on the need for agencies to embrace change (see related story) and a roundtable with former U.S. EPA leaders Bob Perciasepe and Jeff Holmstead on the potential challenges of implementing regulatory reform.



Also headlining the meeting was U.S. Senate Committee on Environment & Public Works Chairman John Barrasso (R-WY), who outlined priorities including reform of the Endangered Species Act and streamlined permitting and indicated that President Trump's

budget likely will not be accepted by Congress. ECOS attendees later heard for the first time as a group from EPA Administrator Scott Pruitt. The new EPA chief emphasized his priorities of rule of law, process review, and cooperative federalism. Noting that 40 percent of the country is in nonattainment of the National Ambient Air Quality Standards (NAAQS), Pruitt expressed a desire to focus on compliance assistance in partnership with states.



A series of engaging discussions rounded out the two days of public sessions. They touched on beneficial reuse of produced water, environmental infrastructure, the energy future, states and the Volkswagen settlement, community engagement, Sustainable Materials Management, and compliance improvement. The ECOS Data Management Workgroup and Environmental Research Institute of the States also met for side discussions.

During a Saturday morning business session, ECOS members passed eight resolutions and extended three more to the Fall Meeting. One new resolution discusses the value of supplemental environmental projects and their value to states. Other topics addressed in successful resolutions are safer chemicals, the respectful use of data, lead wheel weights, and small community challenges. Resolutions on NAAQS and water infrastructure investment were tabled for follow-up on the April 20 All-Member Call (see related story). The call also will cover ECOS efforts to move ahead to strongly represent states in the current dialogue with U.S. EPA over state and federal roles.

ECOS sincerely thanks the following for their sponsorship of the Spring Meeting: Natural Resources Defense Council, The Nature Conservancy, Diesel Technology Forum, American Fuel & Petrochemical Manufacturers, Bloomberg BNA, National Association of Clean Water Agencies, American Water Works Association, Edison Electric Institute, Center for Climate & Energy Solutions, Walmart, American Gas Association, Entergy, U.S. Business Council for Sustainable Development/Pathway 21, MDB, Inc., American Coalition for Clean Coal Electricity, Waste Management, and National Association of Manufacturers.

Links to meeting materials and a list of attendees are available [here](#). For additional coverage of meeting activities, see the following *Inside EPA* articles, which are reprinted with permission: [*States Plan Proposals to Achieve EPA Goals in Lieu of Agency Guidance*](#) and [*States Urged to Craft Plans for EPA's Delegation of Environmental Work*](#). [Parisien/Hanson]

Arizona DEQ Invites State Observers for Lean Management System Rollout

As discussed at the Spring Meeting, the Arizona Department of Environmental Quality (ADEQ) continues to deploy its Lean Management System in several of its program offices and is opening the process to observers from other ECOS member agencies. This management system was the focus of ADEQ Director Misael Cabrera's recent ECOS meeting keynote, and the agency has previously hosted state and foreign government delegations seeking to learn from its experiences.

ADEQ has offered states the opportunity to send delegations of up to two people to one of a series of week-long deployment "evolutions" that will be taking place April 24-August 7. Attendance is first-come, first served, and some evolutions may be open to U.S. EPA delegations as well. ADEQ is also offering to share training materials used in the rollout with the observer states.

For more information, contact [Leah Rossow](#) of AZDEQ via email or at (602) 771-2309. [McAleer]

E-Enterprise for the Environment Engagement Forum Spotlights Successful Projects

[*E-Enterprise for the Environment*](#)

More than 200 stakeholders met on April 5 at the Mayflower Hotel in Washington, DC, to attend the first ever engagement forum for E-Enterprise for the Environment. The purpose of the forum, which followed a meeting of the E-Enterprise Leadership Council, was to

highlight many of the E-Enterprise projects that benefit the regulated community, states and tribes, and the federal government. More than 15 projects were on display for attendees, who were able to participate in hands-on demonstrations and speak to subject matter experts.

The featured projects covered an array of topics, including ensuring safe drinking water, submitting and receiving reports electronically to save time and resources, customizing reports, and reporting air emissions data.

To view photos of the event, visit the ECOS Twitter page at twitter.com/ECOSStates and the new ECOS Facebook page at facebook.com/ECOSStates. Subscribers to Bloomberg BNA can read a story about the event [here](#). [Lane]

Martineau Testifies on Behalf of ECOS at House Hearing on Brownfields

Area of Focus: [Waste](#)

On April 4, former ECOS President Robert Martineau testified on behalf of ECOS before the House Subcommittee on the Environment and the Economy at a hearing on a discussion draft for Brownfields reauthorization. Martineau, Commissioner of the Tennessee Department of Environment & Conservation, highlighted the benefits of the Brownfields program, pointing to several key projects in communities around Tennessee. Martineau went on to discuss the importance of liability protection in reducing risk for investors, citing local Tennessee examples of Brownfields successes which led to job creation, environmental improvement, and economic stimulation at formerly dormant properties. His written testimony can be found [here](#).



Subcommittee Chairman John Shimkus (R-IL) discussed the subcommittee's intent to reauthorize and improve the program, calling it vital to states and local communities. Members of the subcommittee also gave the program high marks as they asked witnesses to comment on how aspects of the draft, such as liability protection, multipurpose grants, and funding increases, would yield improved results. State and local witnesses emphasized the importance of Brownfields grants in conducting site assessments and leveraging private investment.

Shimkus closed the hearing calling for continued coordination with ECOS and others as the discussion draft moves forward. More information on the hearing can be found [here](#).
[MacCartney]

ECOS Members Speak to the National Academies

On April 10, ECOS members Ben Grumbles of Maryland, David Paylor of Virginia, Martha Rudolph of Colorado, and Bryan Shaw of Texas met with members and staff of the Division of Earth and Life Studies (DELS) of the National Academies of Sciences, Engineering, and Medicine. DELS members and staff spent the afternoon speaking with ECOS members and state association staff to better understand states' needs and how they can work with them.

Martha Rudolph, ECOS Past President and ERIS Board Member, provided a brief overview of what it takes to run a state environmental agency. ERIS President David Paylor addressed state research needs. In one panel session, ECOS members discussed what might help the National Academies foster a productive relationship with states. A separate panel session with state association staff discussed how state associations can serve as a conduit between DELS and states. [Hanson]

ECOS Launches Facebook Page

ECOS is now on Facebook! You can visit our page and read relevant news stories, view photos from events, and keep up-to-date with relevant ECOS and state information. We're easy to find at facebook.com/ECOSstates. You can also type Environmental Council of the States or simply [@ecostates](https://twitter.com/ecostates) in the search bar.

Make sure you "like" and "follow" our page when you visit, and contribute to our page with relevant posts. Also be sure to share our page with your colleagues and friends.

ECOS Wants to Hear about State Plans for Earth Day Festivities

How is your state celebrating Earth Day? If your agency is hosting an event, advertising environmentally friendly practices on social media, or promoting the day in another way, ECOS wants to hear about it.

This year, ECOS is compiling a list of the "Top 10" state Earth Day initiatives. Please send information on efforts that your state has underway for Earth Day **by April 19** to [Sarah Grace Longworth](#) of ECOS. [Longworth]

State News You Can Use

[Ohio EPA Pioneers Materials Marketplace to Promote Reuse and Recycling](#)

[Minnesota Considers Strengthening Successful Renewable Energy Standard](#)

Rhode Island Offers Free Trees to Save Homeowners Money

Need-to-Know News in Water & Air

Pruitt Notifies States of Reconsideration of Power Plant Effluent Guidelines Rule

Area of Focus: Water

This week, U.S. EPA Administrator Scott Pruitt sent ECOS President John Stine of Minnesota a letter to notify states of EPA's intent to consider petitions for reconsideration of EPA's November 2015 final rule establishing Effluent Guidelines and Standards for the Steam Electric Power Source Generating Point Source Category. The petitions, submitted by the Utility Water Act Group and the U.S. Small Business Administration's Office of Advocacy, specifically seek relief from deadlines set by the final rule.

This rule contains flexibilities for states that issue National Pollution Discharge Elimination System permits. The permitting authority may determine a date when the new effluent limitations apply to any given discharger within a specified period of time. Permitting authorities may choose a later date within that time period based on information received from the discharger. Under the rule, Publicly Owned Treatment Works must meet new pretreatment standards by November 2018.

EPA will stay the rule for 120 days while it considers relief from the deadlines for both direct and indirect discharges, and also will revisit other substantive aspects of the rule. According to the agency, Pruitt's letter reinforces his stated commitment to working with states and local communities to improve the environment and bolster the economy while respecting the rule of law. [Piper]

DOJ, U.S. EPA File Motions to Hold Cases Regarding Ozone, Methane, and Carbon Emissions

Area of Focus: Air

In accordance with a March 28 Executive Order signed by President Trump, U.S. EPA is reviewing existing regulations that potentially burden domestic energy production. On April 7, the Department of Justice, on behalf of U.S. EPA, submitted motions to hold two cases in abeyance until the current Administration is able to determine if and how it wants to address the rules at issue – the 2015 ozone NAAQS and the 2016 methane rules for new

oil and gas operations.

These motions come on the heels of the Administration's request to hold the Clean Power Plan (CPP) case in abeyance and a motion in opposition of that hold submitted by NY, CA, CT, DE, HI, IL, IA, ME, MD, MA, MN, NM, OR, RI, VT, VA, WA, DC, and six cities on April 5, which was then met with a reply brief from DOJ/EPA in support of putting a hold on the case. To date, the D.C. Circuit has not yet ruled on whether it will hold the CPP case or the case addressing 2016 methane rules in abeyance.

However, on April 11, a three-judge panel at the U.S. Court of Appeals for the District of Columbia Circuit released an order delaying oral arguments in the case challenging the 2015 ozone NAAQS. The 2015 ozone NAAQS case was originally brought by the Murray Energy Corporation after U.S. EPA promulgated a rule to lower ozone standards from 75 parts per billion (ppb) to 70 ppb in October 2015. EPA has spent the past year defending the rule; however, on April 7, the agency submitted a motion requesting an indefinite delay of the oral arguments as the current Administration reviews its position and determines whether EPA should "reconsider the rule or some part of it." While there is no timetable for review completion, the court is requiring the EPA to report back on the status of its review every 90 days. [Poole]

Federal Agency News

OMB Issues Guidance on Federal Restructuring and Workforce Reduction

The White House Office of Management and Budget (OMB) this week released a memo that provides guidance to federal agencies on how to fulfill the requirements of President Trump's Reorganization Executive Order to make the government "lean, accountable, and more efficient." The 14-page memo provides wide-ranging guidance on how to achieve this.

Portions that may be of particular interest to ECOS members include developing agency reform plans that include how they will "better leverage technology and improve underlying business processes" and "streamline and eliminate processes." This appears to align well with E-Enterprise for the Environment and business process improvement initiatives in which ECOS has been involved. According to the memo, OMB will be looking at cross-cutting reforms to address situations where "multiple federal agencies interact in fragmented or duplicative ways with state, local, and tribal governments." It also will be looking for opportunities to reduce reporting burdens.

ECOS staff will track implementation of this memo as closely as possible over the next several months, as there are deadlines in June and September for agency reform plans and much of the restructuring ties to the President's budget proposals. [Hanson]

U.S. EPA News

Beachhead Leader Benton Departing U.S. EPA

The White House announced this week that Don Benton, who led President Trump's beachhead team at U.S. EPA, is departing the agency. President Trump intends to nominate Benton for Director of the Selective Service System, the independent agency that would oversee a potential military draft.

Benton served as Trump's Campaign Chairman in Washington State. He was a State Senator there for 20 years and was also Director of the Clark County Environmental Services Department. [Parisien]

Appointment & Career Opportunities

Water Experts Sought for National Academies Committee

The National Academies of Sciences, Engineering, and Medicine is seeking [nominations](#) for committee members to serve on a new study that will help guide research at the U.S. Geological Survey Water Mission Area. The study will identify the most compelling national water resource challenges and science and research needs for the next 25 years and consider integrating across science disciplines.

Areas of expertise needed include: surface and groundwater quality and quantity, water resources, and water use and availability for humans and the environment. [Nominations](#) are due **April 28**. [Hanson]

Utah Hiring Water Quality Director

The Utah Department of Environmental Quality seeks a Director for their Division of Water Quality. This individual will become a member of the agency's Executive Management Team and be responsible for developing programs to promote and protect the waters of the state.

For more information, see [here](#). To be considered for this opportunity, email your resume and cover letter to anelsen@utah.gov by **April 24**. [Longworth]

Upcoming Events

Exchange Network

Updated EN2017 Agenda Now Available

The EN2017 Program Committee is pleased to present an updated [2017 Exchange Network National Meeting Agenda](#). Sessions and descriptions have been added for this year's event. Don't miss your chance to engage at EN2017 on **May 16-18** in Philadelphia!

The updated agenda reflects this year's theme: Innovation and Partnership. Some of the topics to be covered in peer-to-peer learning opportunities and interactive discussion sessions include:

- Shared services
- Identity management
- Advanced monitoring
- Combined Air Emissions Reporting (CAER)
- Innovations in water monitoring data
- ICIS-NPDES
- Mobile applications
- Process improvement
- E-Enterprise for the Environment
- Communicating success in environmental management
- Harnessing APIs and cloud technology

Registrants are reminded to book their rooms ahead of the **April 21** hotel deadline. State, territory, and tribal participants are eligible to apply for travel reimbursement, and EN2017 is open to all interested parties,

For all the latest information, please visit <http://www.exchangenetwork.net/en2017>. [Ortiz]

Calls

ECOS All-Member Call

ECOS will hold an All-Member call on **April 20 at 3-4 pm Eastern**. The call will focus on reviewing resolutions and discussing the ECOS' next steps on cooperative federalism and the state-federal relationship in the new Administration.

Please contact [Megan Swanson](#) of ECOS for more information. [Longsworth]

ECOS Toxic Substances Reduction Workgroup

ECOS's Toxic Substances Reduction Workgroup will hold its next monthly call on **April 25**

at 3 p.m. Eastern. The call likely will feature updates to U.S. EPA's regulations under the Lautenberg Act, including those of recent chemical prioritization and risk evaluation proposals, as well as the process for the TSCA inorganics byproduct negotiated rulemaking.

If you have any questions or would like to be added to the workgroup, please contact [Sarah Grace Longworth](#) of ECOS. [Longworth]

Webinars

U.S. EPA on Plastics and Microplastics

U.S. EPA's Trash Free Waters program is hosting two webinars in April related to plastics and microplastics contaminating waters.

On **April 18 at 1 p.m. Eastern**, Dr. Bart Koelmans will discuss the chemicals found in or on microplastics and their potential risks in "Contaminants Associated with Microplastics."

On **April 26 at 4 p.m. Eastern**, Dr. Denise Hardesty will present information on risk assessment of plastics and microplastics in the environment during "Risk Assessment of Plastics and Microplastics."

To attend the webinars log in to [here](#) at the appropriate time. [Hanson]

ITRC on PVI: Fundamentals of Screening, Investigation, and Management

ITRC will hold a web-based training on **April 18 at 1-3:15 p.m. Eastern** on its technical and regulatory guidance document entitled [Petroleum Vapor Intrusion \(PVI\): Fundamentals of Screening, Investigation, and Management \(PVI-1, 2014\)](#). The training will provide regulators and practitioners with consensus information based on empirical data and recent research to support PVI decision making under different regulatory frameworks. The PVI assessment strategy described in this guidance document enables confident decision making that protects human health for various types of petroleum sites and multiple PHC compounds.

Learn more and register [here](#). [Bodi]

U.S. EPA on Challenging Nutrients Coalition

U.S. EPA will host a webinar on **April 19 at 3-4 p.m. Eastern** on its public-private coalition to address the issue of excess nitrogen and phosphorous levels in water. This interdisciplinary coalition has representatives from over 80 organizations, including federal agencies, states, nonprofits, manufacturers, researchers, and for-profit industry. The

coalition will focus on understanding requirements and needs, and helping to provide technology solutions and support. It will also discuss innovative projects and partnerships improving nutrient monitoring.

State environmental and health agencies, tribes, local governments, communities, and other stakeholders are invited to participate. To join the webinar, please register [here](#). If you are unable to listen through your computer speakers, please dial (866) 299-3188 and enter access code 2025646669. Please contact [Lisa Matthews](#) of U.S. EPA for more information or [Amy Scheuer](#) with registration questions. [Piper]

ITRC on Geospatial Analysis for Optimization at Environmental Sites

ITRC will hold a web-based training on **April 20 at 1-3:15 p.m. Eastern** on its guidance document entitled [ITRC's Geospatial Analysis for Optimization at Environmental Sites \(GRO-1\)](#). The training will educate and train state regulators and other practitioners on using geospatial analyses to evaluate optimization opportunities at environmental sites.

Learn more and register [here](#). [Bodi]

U.S. EPA on Assessing and Addressing Near-Road Air Quality with Easy Modeling

A U.S. EPA webinar on **April 20 at 2-3:30 p.m. Eastern** will present the [Community-LINE Source Model \(C-LINE\)](#), a user-friendly, near-road air pollution model. C-LINE allows users to evaluate how changes in traffic may affect air pollution. Users can easily manipulate model inputs to also examine upwind and downwind effects, or estimate the areas most influenced annually by near-road pollution.

[Register here](#) to attend the webinar and learn more. [Hanson]

ECOS on Performance Partnership Grants

On **April 26 at 2:30 p.m. Eastern**, ECOS will hold a webinar for states on U.S. EPA's Performance Partnership Grants (PPGs). The webinar will include information on how PPGs work, the benefits they provide, and best practices for managing them. Information on states' use of PPGs will be provided through case studies and ECOS statistics, and there will be an opportunity for Q&A.

To register, click [here](#). For more information, please contact [Owen McAleer](#) of ECOS. [McAleer]



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Friday, July 14, 2017

Vol. 19 No. 27

Table of Contents

- [ECOS Seeks Nominations for Secretary-Treasurer](#)
- [Wyoming Governor, Park Superintendent Confirmed for Fall Meeting](#)
- [ECOS Seeks Nominations for Special Recognition Award](#)
- [Nominations Being Accepted Thru July 21 for New Round of ECOS Innovation Awards](#)
- [ECOS Prepares for STEP 2017](#)
- [House Markup of U.S. EPA FY18 Budget Reverses Some of President's Proposed Cuts](#)
- [Senate EPW Advances Bodine Nomination](#)
- [U.S. EPA Releases Proposed Rule on WOTUS](#)
- [State News You Can Use](#)
- [Member Spotlight](#)
- [Need-to-Know News in Cooperative Federalism & Water](#)
- [ITRC](#)
- [ERIS](#)
- [Upcoming Events](#)

ECOS Seeks Nominations for Secretary-Treasurer

Executive Committee Representatives for Even Regions Also Sought

ECOS is seeking nominations for the position of Secretary-Treasurer. Interested ECOS members should send an expression of interest by **August 4** to President John Linc Stine of Minnesota and copy Executive Director Alexandra Dunn. Self-nominations are appropriate. Please note "ECOS Secretary-Treasurer Nomination" in the subject line. Officer Voting will be conducted by electronic ballot until **September 11**, the first day of the ECOS Fall Meeting.

Also at the Fall Meeting, states from even-numbered U.S. EPA Regions will elect new representatives to the Executive Committee. Under ECOS' bylaws, the current regional representative may not be re-elected to the position. States in even-numbered regions should caucus amongst themselves to identify and elect their representative and report it to Alexandra Dunn before or during the meeting. If you are emailing your decision, please note "ECOS Executive Committee Regional Representative" in the subject line. The terms for all positions begin following the Fall Meeting. [Dunn/Parisien]

Wyoming Governor, Park Superintendent Confirmed for Fall Meeting

New Agenda Available; States Should Also Plan to Attend September 13

Wyoming Governor Matt Mead is the newest keynoter confirmed for the 2017 Fall Meeting in Jackson Hole, Wyoming on *Bright Ideas: States Leading the Way*, for which early bird registration runs through **August 4**. Attendees also will be welcomed to the meeting by David Vela, Superintendent of Grand Teton National Park. A new agenda has been posted.

The interactive program ties together a number of cutting-edge ECOS initiatives of interest to a variety of stakeholders. Among the highlights, ECOS will feature outstanding programs selected for 2017 State Program Innovation Awards (see related story), unveil a new dashboard that states can use to better protect human health and the environment, and explore early wins in its Cooperative Federalism 2.0 campaign to forge an improved state-U.S. EPA partnership.

U.S. EPA officials already confirmed to attend are Assistant Deputy Administrator & Chief of Operations Henry Darwin, Senior Advisor to the Administrator for Regional & State Affairs Ken Wagner, and Acting Deputy Administrator Mike Flynn. Former ECOS member Collin O'Mara (Delaware), now President & CEO of the National Wildlife Federation, also will deliver a keynote address. And sure to be a highlight of the meeting is an evening

excursion to Grand Teton National Park.

The public portion of the Fall Meeting runs all day September 11 and 12, with **states-only sessions planned until 11:15 a.m. on September 13**. These discussions will be followed by the E-Enterprise for the Environmental Leadership Council Meeting on the afternoon of September 13 and morning of September 14 until 11:30 a.m.

Attendees should make their **hotel reservations as early as possible** to take advantage of the lower of two ECOS group rates (\$199 for hotel rooms versus \$289 for larger accommodations). ECOS room nights include September 10, 11, and 12, with limited availability on the nights of September 13 and 14. When using the hotel reservation link, please note that Policies listed on the first reservation page apply to ECOS but that Terms & Conditions listed on a subsequent page do not apply. The special ECOS group rates are available until **August 9** or sellout of the room block, whichever is sooner.

See the Fall Meeting [website](#) for the agenda, online registration, hotel reservation link, hotel overflow suggestions, ground transportation options, and special events in Jackson listing. For more information about the agenda, sponsorship opportunities, or the hotel, contact [Lia Parisien](#) of ECOS. For additional registration information, contact [Sarah Grace Longworth](#) of ECOS. [Parisien]

ECOS Seeks Nominations for Special Recognition Award

The ECOS President gives the ECOS Special Recognition Award annually to a member agency staff member whose dedication and contributions over a sustained period lead to the meaningful advancement of an ECOS priority during his or her tenure as President. ECOS currently is seeking nominations from its members for the 2017 award, which will be presented at the September 11-12 Fall Meeting in Jackson Hole, Wyoming. Please send your nominations to [Alexandra Dunn](#) of ECOS by **July 21**. The ECOS officers will make the final selection.

The 2016 Special Recognition awardee was Ken Zarker of Washington for his tireless work with states, Congress, and others related to reforming the Toxic Substances Control Act and his dedication to efforts to reduce toxics in the environment. In 2015, Andy Putnam of Colorado and Chris Simmers of New Hampshire received the recognition for their dedication to ECOS through involvement in and leadership of the Exchange Network and E-Enterprise. [Parisien]

Nominations Being Accepted Thru July 21 for New Round of ECOS Innovation Awards

New Request: Please Include Contact Information with Submissions

Each year, ECOS honors outstanding state initiatives with State Program Innovation Awards. The association will present a new round of awards at our **September 11–13** Fall Meeting in Jackson Hole, Wyoming.

If you have a successful new innovation to share, please send a write-up of approximately one page in Word that includes the items in the model below (which was one of last year's winning entries), including contact information. ECOS is particularly interested this year in innovations in the areas of permit streamlining and business process improvement, community outreach and engagement, and land revitalization and reuse. Nominations need not be confined to these areas, however, and are not given more weight in the selection process. Please send submissions to [Megan Swanson](#) by July 21.

In addition to receiving consideration for recognition and presentation at the Fall Meeting, submissions will be published in a special edition of *ECOS Green Report*. [Swanson]

Model Innovation Nomination

Virginia's Wetland Monitoring and Assessment Program

Description of Initiative:

Virginia has approximately one million acres of wetlands. An estimated 75 percent of these acres are palustrine vegetated wetlands, and the remaining 25 percent are estuarine wetlands. Virginia is believed to have lost about 40 percent of its original complement of pre-colonial wetlands. A study of wetland trends in Southeastern Virginia for 1994-2000 showed a net loss of 2,100 acres (1.3 percent). The actual loss of vegetated wetlands was even higher, but offset by a gain in pond and open water area.

The loss of palustrine wetlands was primarily due to conversion to uplands, while estuarine wetlands were lost through conversion to open water. Major causes of wetland loss in Virginia include conversion to other land cover types, ecosystem service modifications associated with climate change, hydrologic alterations, invasive species, fragmentation by development, crop fields, roads, fences, berms, and eliminated ecosystem services, notably habitat and water quality.

The Virginia Department of Environmental Quality (DEQ) and the Virginia Institute for Marine Science have developed a robust, science-based Wetland Monitoring and Assessment Strategy for evaluating the condition of wetlands in the Commonwealth. The overarching goal of Virginia's strategy is to devise a long-term implementation plan for a wetland monitoring and assessment program that protects the physical, chemical, and biological integrity of the Commonwealth's water resources, including

wetlands.

In order to accomplish this goal, it is critical to first know the status of wetland resources in Virginia, in terms of location and extent of wetlands in each watershed, and have a general knowledge of the quality of these wetland resources. Second, the functions of wetland resources impacted through the permitting program must be accurately evaluated to determine those functions to be replaced through compensatory mitigation. It is also important to assess the degree to which the required compensatory mitigation is performing in relation to those impacted functions. The assessment method is a multi-service model that involves three levels of data collection. The method characterizes the capacity of the wetland to provide water quality and habitat services using remotely sensed data. The model application produces a relative score for each wetland for each service. The scores are then refined and calibrated by site visits to randomly selected wetlands. The relationship between structure and function is validated by intensive study of ecological service endpoints.

Results to Date:

The data collected from the assessment have been compiled into an online GIS-based wetland data viewer identified as the Wetland Condition Assessment Tool (WetCAT). WetCAT can be used to evaluate wetland condition over time, make better permitting decisions relative to cumulative impacts, avoid and minimize wetland loss, evaluate performance of compensatory wetland mitigation in replacing wetland acreage and function, and evaluate the effectiveness of the regulatory program.

Virginia's wetland monitoring and assessment program is being implemented with funds awarded through U.S. EPA's Wetland Program Development Grants to continue these efforts. DEQ has received nine grant awards from EPA for this initiative, and Virginia is recognized as one of five states leading this initiative nationally.

Contacts:

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[804-693-4000](tel:804-693-4000) [804-693-4000](tel:804-693-4000)

ECOS Prepares for STEP 2017

ECOS' 2017 State Environmental Protection (STEP) meeting will take place this Monday, **July 17**. The interactive one-day gathering, themed *Reframing our Environmental Future*, will center on ECOS' *Cooperative Federalism 2.0 Paper*, released last month. See the [agenda](#) for a full list of speakers, panels, and further details. Breakfast, lunch, breaks, and a reception will be provided at the meeting. We look forward to seeing our members and friends there! [Longsworth]

House Markup of U.S. EPA FY18 Budget Reverses Some of President's Proposed Cuts

On July 12, the House Appropriations Subcommittee for Interior, Environment, and Related Agencies, which covers U.S. EPA, released its [markup](#) for an FY18 appropriations bill. The bill funds EPA at \$7.5B, 7 percent or \$528M below FY17 enacted levels and \$1.9B above the President's FY18 budget request. Some budget highlights affecting states include:

- STAG funding totals \$3.29 billion, a \$240M reduction from FY17 enacted levels and \$360M above the President's FY18 budget request.
- STAG grants that see increases in the bill are Diesel Emissions Reduction grants (25%), Brownfields Projects Grants (13%), and Targeted Airshed Grants (33%). Funding for Mexico Border grants is eliminated.
- The Clean Water SRF account is funded at \$1.143B, down \$250M or 18% below the FY17 enacted level; Drinking Water SRF funding is unchanged.
- Categorical grants to states and tribes remain flat-funded at \$1.07B, with specific callouts for the Brownfields, Exchange Network, UST, and CAA sec 106 Water Quality Monitoring grant programs.
- The House bill proposes rescissions of \$60M from the STAG account, \$27M from the Science & Technology account, and \$36M from Environmental Programs & Management.

The legislation includes funding for buyouts and voluntary separation agreements, an authorization for the EPA Administrator and the Secretary of the Army to withdraw the Waters of the United States rule, and funding prohibitions on greenhouse gas reporting and ozone NAAQS. [McAleer]

Senate EPW Advances Bodine Nomination

The Senate Committee on Environment and Public Works on July 12 voted 11-10 to advance the nomination of Susan Bodine to serve as Assistant Administrator for the U.S. EPA Office of Enforcement and Compliance Assurance. No date has been set for a full Senate vote.

During Bodine's recent confirmation hearing before EPW, Senator Bernie Sanders (I-VT) had probed the nominee about how she would handle EPA's proposed budget cuts and the emphasis on state environmental protection. Bodine responded that she agreed with ECOS' recent [Cooperative Federalism 2.0 paper](#) outlining a vision for EPA and states to work collectively to protect the environment and public health.

More information about the Wednesday's vote can be found [here](#). [Harrison/Parisien]

U.S. EPA Releases Proposed Rule on WOTUS

U.S. EPA has released a [pre-publication version](#) of the proposed rule for "Step 1" of the process to replace the Obama-era Clean Water Rule. This first step is to reinstate policies that were in effect prior to finalization of the Clean Water Rule, and the proposed rule rescinds the definition of "waters of the United States" and replaces it with the definition used prior to issuance of the 2015 Clean Water Rule.

EPA also has released an [economic analysis](#) of the proposed rule.

The proposed rule is expected to be published in the *Federal Register* shortly. [Piper]

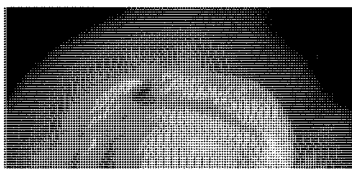
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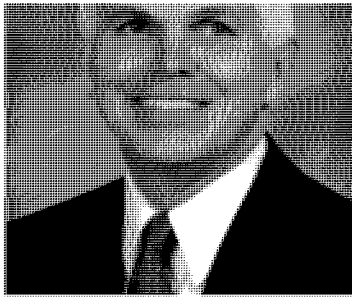
[New York Marks Invasive Species Awareness Week](#)

[Texas Shares Tips on Living Sustainably](#)

Member Spotlight

**Two Minutes with Bill Ehm, Division Administrator,
Environmental Services Division, Iowa Department of
Natural Resources**





What's your current job?

I lead the Environmental Services Division of the Iowa Department of Natural Resources (DNR).

How long have you been Division Administrator? What's your best experience thus far?

I have been in this position for six years. I have been a strong proponent of LEAN in our Department. It has been very rewarding to watch our staff and customers find better ways to accomplish our goals and make everyone's work easier and more focused at the same time.

How has being a member of ECOS benefitted you?

Besides making some great friends, I have appreciated learning how other states do the same business as Iowa, but in varied ways. I have brought many ideas back home to be incorporated into our work at DNR.

What is the best management advice you've received?

"Care more about the people you have than for the ones you wish you had."--Chuck Gipp, DNR Director

[CONTINUED HERE](#)

Need-to-Know News in Cooperative Federalism & Water

Cooperative Federalism 2.0 Document Featured on 'States at the Table' Website

Area of Focus: Cooperative Federalism

ECOS' Cooperative Federalism 2.0 document is featured on the States at the Table [webpage](#), a joint project of the Council of State Governments and the Association of Air Pollution Control Agencies to provide an online comprehensive resource for state leaders from all three branches of government on opportunities to interact with federal energy and

environmental agencies through Federal Advisory Committees (FACs).

By providing timely information on meetings, activities, and openings with FACs of interest, States at the Table seeks to promote federalism on environmental and energy issues and to provide interested state officials opportunities to engage with their federal counterparts. The site focuses on FACs of interest at U.S. EPA and the U.S. Department of Energy, National Oceanic and Atmospheric Administration, and U.S. Department of Interior. [Swanson]

U.S. EPA Invites Comment on Proposal to Withdraw CWA Restrictions for Pebble Mine

Area of Focus: Water

U.S. EPA on July 11 proposed to withdraw its July 2014 Clean Water Act Proposed Determination that would, if finalized, have imposed restrictions on the discharge of dredged or fill material associated with the potential Pebble Mine in Alaska's Bristol Bay watershed. The agency, which is seeking public comment on the proposal, is consulting with federally recognized tribal governments of the Bristol Bay region and with Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the Bristol Bay watershed.

Public comments must be received on or before 90 days from the date of publication of the *Federal Register* notice. Comments will be accepted by email to ow-docket@epa.gov with docket number EPA-R10-OW-2017-0369 in the email subject line.

[Read the pre-publication Federal Register notice.](#) [Parisien]

ITRC

[Interstate Technology and Regulatory Council](#)

ITRC Launches New Streamlined Website

ITRC is pleased to announce the launch of its [new website](#). The new layout is more user-friendly and streamlined, and staff can't wait to see what the ECOS and ITRC communities think.

Please feel free to [contact ITRC](#) with any comments or suggestions. Your thoughts are welcome and appreciated! [Bodi]

ERIS

ERIS/ORD Meeting in Oklahoma

The Environmental Research Institute of the States (ERIS) Board and U.S. EPA's Office of Research and Development (ORD) convened in Oklahoma City for its annual joint meeting this week.

On Tuesday, ERIS board members, ORD staff, and executive employees of the Oklahoma Department of Environmental Quality (DEQ) drove to the Robert S. Kerr Environmental Research Center, ORD's Groundwater, Watershed, and Ecosystem Restoration laboratory in Ada, Oklahoma. Roundtable discussion covered topics including research needs, state-federal partnerships, and updates on pilot programs like C-FERST and the wildfire smoke guide. Lab scientists also provided a tour of the Kerr facilities and brief overviews of their current projects. In the evening, DEQ staff introduced meeting attendees to a Village Green Bench, a project in Oklahoma City's Myriad Botanical Gardens that measures air quality and weather conditions in real-time using new technologies built into a solar-powered park bench.

DEQ hosted the Board and ORD staff at their offices on Wednesday to conclude the meeting. The agency detailed Oklahoma's environmental challenges, and meeting attendees discussed prominent issues like perfluorinated chemicals and risk communication, and next steps for ERIS and ORD.



Oklahoma DEQ Executive Director Scott Thompson (top right) and ERIS Board Members at EPA's Village Green Bench in Oklahoma City's Botanical Garden. Top Row: Paul Mercer (ME), Bob King, Thompson. Bottom Row: ERIS President David Paylor (VA), Martha Rudolph (CO), and Bill Holman.

Upcoming Events

Calls

TIME CHANGE: ECOS, US EPA on FY 2018-19 Draft NPM Guidance Documents

ECOS' Call with EPA's Office of Water (OW) on their FY18-19 NPM guidance has been rescheduled to take place an hour earlier than originally planned. The call will now occur next Thursday, **July 20th at 2-3 p.m. Eastern**. The conference call information is: [1-866-299-3188](tel:1-866-299-3188); Code: [202-564-0516](tel:202-564-0516). (Please note, the agenda that was originally distributed for this call listed an incorrect access code for the conference line. The code listed above is correct).

In late June, U.S. EPA has released its draft National Program Manager (NPM) Guidance documents for fiscal years (FY) 2018-19. The documents are available for public comment until **July 28**. This week, ECOS' Partnership and Performance Workgroup held calls with three other EPA program offices- OAR, OLEM, and OECA- to discuss their FY18-19 guidance documents.

States should send comments to [Owen McAleer](#) of ECOS by July 21 to be considered in ECOS' input on the guidances. Please contact Owen with any questions. with any questions. [McAleer]

Webinars

ITRC on Groundwater Statistics for Environmental Project Managers

An upcoming ITRC online training and associated technical document will bring clarity to the planning, implementation, and communication of groundwater statistical methods, and should lead to greater confidence and transparency in the use of groundwater statistics for site management. The training will be held **July 18 at 1-3:15 p.m. Eastern**.

Learn more and register [here](#). [Bodi]

U.S. EPA on Beta ECHO Biosolids Data

U.S. EPA has developed an Enforcement and Compliance History Online (ECHO) facility search form for the NPDES Biosolids data coming in with the 2016 implementation of the NPDES eReporting Rule. U.S. EPA has begun collecting Biosolids Annual Reports electronically in the 42 states where it implements the federal Biosolids Program. The search allows for customized search, sort, and download of biosolids data for the first time. States are invited to see a demonstration of this feature and provide feedback prior to release to the public.

Questions on which EPA seeks feedback on are:

- Can you find the biosolids data you're seeking?
- Are there places in the search form that don't make sense?
- Once there are multiple years of annual report data available, how do you want to search and view these results?

To join a webcast on the topic on **July 19 at 1-2 p.m. Eastern**, call (866) 299-3188 and enter passcode 2025645960#. The webcast link is [here](#).

For more information, including information on how to test the biosolids search prior to the webinar, contact [Rebecca Kane](#) at (202) 564-5960. [Graves]

U.S. EPA on ECOTOX

U.S. EPA will hold its monthly Tools and Resources Webinar on **July 19 at 3-4 p.m. Eastern**. The webinar will focus on ECOTOXicology, a comprehensive, publicly-available knowledgebase that provides chemical environmental toxicity data on aquatic life, terrestrial plants, and wildlife.

State environmental and health agencies, tribes, local governments, communities, stakeholders, and others interested in learning about predicting chemical toxicity and potential exposure effects should [register here](#). [Longworth]

ITRC on Geospatial Analysis for Optimization at Environmental Sites

Optimization activities can improve performance, increase monitoring efficiency, and support site decisions. Project managers can use geospatial analysis for evaluation of optimization opportunities. Unlike traditional statistical analysis, geospatial methods incorporate the spatial and temporal dependence between nearby data points, an important factor for data collected as part of an environmental investigation.

This ITRC course on **July 25 at 1-3:15 p.m. Eastern** will train state regulators and other practitioners in understanding and using geospatial analyses.

Learn more and register [here](#). [Bodi]

U.S. EPA on Water Issues

U.S. EPA has two ongoing webinar series addressing clean water and small water systems. The Office of Research and Development (ORD) hosts a series on [water research](#), with the following monthly webinars scheduled:

- **August 30** - Nutrients: Weatherizing, Salinization, and Evolution of Urban Water
- **October 25** - Life Cycle Assessment as a Decision Support Tool

More information on the water research webinar series, including how to register, is available [here](#).

In addition, ORD and the Office of Water host a monthly [webinar series on small drinking water systems](#). Their schedule for the rest of the year is:

- **July 25** - Water Loss and Distribution System Infrastructure: Leak Detection and Cost Savings
- **August 29** - Treatment and Control for Manganese and Iron
- **September 26** - Small Systems Research DeRISK Center
- **October 31** - State Acceptance of UV Disinfection Technologies
- **November 28** - Lead in Schools and Selecting Lead Free Fixtures
- **December 12** - Residual Chlorine and Calibration Check for Chlorine Instruments

More information on the small systems webinars, including recordings of past webinars and how to register, is available [here](#). [Hanson]

U.S. EPA on C-FERST

U.S. EPA's Office of Research and Development (ORD) will host a Community-Focused Exposure and Risk Screening Tool (C-FERST) training session for ECOS and Association of State and Territorial Health Officials (ASTHO) members on **July 26 at 1-3 p.m. Eastern**. The webinar will feature slides with presenter scripts and a detailed demonstration to aid state environmental staff and health directors who are not confident in using C-FERST themselves in training others to use the tool.

ECOS and ASTHO have been working with ORD on EPA's C-FERST tool, which provides information to help users identify and learn about environmental issues in their communities, and explore exposure and risk reduction options.

If you are interested in joining, please email [Sarah Grace Longworth](#) of ECOS. [Longworth]

ECOS and U.S. EPA on Compliance Research

A Compliance Research Webinar Series hosted by U.S. EPA OECA's NETI and designed for ECOS members and EPA will help program administrators understand how collaboration with academics can identify effective and measureable approaches to compliance. In each of five webinars, social and behavioral scientists from top universities will present research findings on compliance monitoring, rule and permit design, reporting and transparency, and innovative enforcement. Following the presentations, participants will discuss program initiatives that can be put to the test through collaboration with academics.

The introductory webinar was held June 27. The other webinars will be held as follows:

- Monitoring – **August 9, 3-4:30 p.m. Eastern**
- Rule and Permit Design – **September 28, 2-3:30 p.m. Eastern**
- Reporting and Transparency – **October 24, 2-3:30 p.m. Eastern**
- Innovative Enforcement – **November (TBD)**

For more information, please contact [Sonia Altieri](#) of ECOS. [Altieri]



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From: ECOS
To: Hull, George
Sent: 3/31/2017 4:43:08 PM
Subject: States Respond to Sweeping Climate Order, White House Sends Congress \$247M in FY17 U.S. EPA Cuts, & More

ECOSWIRE | Vol. 19 No. 13

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ECOSWIRE

Friday, March 31, 2017

Vol. 19 No. 13

Table of Contents

- [President Trump Signs Sweeping Order to Launch Review of CPP & Other Rules](#)
- [Georgetown Climate Center Tracks State Response to Executive Order](#)
- [White House Sends FY17 Budget Request to Congress with \\$247M in U.S. EPA Cuts](#)
- [House Hears Benefits of Brownfields Reauthorization](#)
- [House Passes Bill Barring U.S. EPA from Using Science Not Publicly Available](#)
- [ECOS Seeks States to Pilot ECOS Measures Project](#)
- [ECOS Wants to Hear about State Plans for Earth Day Festivities](#)
- [State News You Can Use](#)
- [Need to Know News in Emerging Contaminants & ITRC](#)
- [Upcoming Events](#)
- [ECOSWIRE Notes](#)

President Trump Signs Sweeping Order to Launch Review of CPP & Other Rules

On March 27, President Trump signed a wide-ranging Executive Order (EO) on Promoting Energy Independence and Economic Growth (EO). The EO directs federal agencies to: take appropriate actions to promote clean air and clean water while respecting the “proper roles” of the Congress and the states; reassess all regulations and take the necessary steps to modify or rescind any rules that place an undue burden on the power sector; and suspend, revise, or rescind the Clean Power Plan (CPP) and other U.S. EPA and U.S. Department of Interior rules following agency review. The order also revokes a number of EOs signed by former President Obama; ends the requirement that federal agencies consider climate change risks to their missions, programs, and facilities; directs the Council on Environmental Quality to rescind its guidance on incorporating climate change analysis into National Environmental Policy Act reviews; disbands the Interagency Working Group on the Social Cost of Greenhouse Gases, rescinds the federal government’s “social cost of carbon” metric; and lifts moratoria on coal leases on federal lands.

While there is a great deal of information in the EO, the portion covering reconsideration of the CPP has garnered much of the initial attention. As with any final rule, U.S. EPA must follow the Congressional Review Act in its review, which requires the agency to complete a formal rulemaking and address facts already in the administrative record.

Legal challenges to the outcome of this process are likely. Led by the New York Attorney General, the Attorneys General of California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Mexico, Oregon, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia this week issued a press release vowing to “protect those we serve” in regards to the threats of climate change. Colorado and Pennsylvania leaders also have issued statements in opposition to the EO.

As pointed out in the EO, the U.S. Department of Justice has petitioned the U.S. Court of Appeals for the D.C. Circuit to hold in abeyance its review of the CPP (*West Virginia v. EPA*, D.C. Cir., No. 15-1363, *motion filed 3/28/17*) while the new leadership at EPA reviews it. CPP supporters are expected to file formal opposition to DOJ’s request to halt the litigation late next week.

However, in a letter to Governors on March 30, EPA Administrator Scott Pruitt reiterated that states are not “required nor expected” to comply with the CPP. While this does not change the regular course of business pending the Supreme Court stay of the CPP, Administrator Pruitt did go on to say, “To the extent any deadlines become relevant in the future, case law and past practice of EPA supports the application of day-to-day tolling.” He added, “The days of coercive federalism are over.” [Poole]

Georgetown Climate Center Tracks State Response to Executive Order

Following President Trump's signing of this week's Executive Order (see related story), the Georgetown Climate Center created a database to track state responses. While many states are supportive of the EO, there are also Governors who have pledged to continue moving forward in the realm of climate change adaptation and clean energy exploration.

To track the diverse state responses, visit the [Georgetown Climate Center's webpage](#). [Poole]

White House Sends FY17 Budget Request to Congress with \$247M in U.S. EPA Cuts

As Congress prepares to negotiate funding by April 28 for the remainder of FY17, the White House Office of Management and Budget (OMB) sent a [memo](#) on Friday to lawmakers proposing that cuts be taken from several agencies under the upcoming FY17 appropriations bill. Cuts are proposed from five U.S. EPA programs: Categorical Grants (\$115M /10%), Office of Research and Development (\$48M), Brownfields Project Grants (\$5M), Great Lakes Programs (\$49M), and Superfund Remedial (\$30M). The memo describes some EPA cuts intended to "ease" the affected programs into larger reductions for FY18.

The cuts from EPA and other agencies offset proposed funding increases in Defense and Homeland Security, including increases to fund the construction of a southern border wall. The OMB proposal likely will meet resistance on the Hill due to its inconsistency with budget caps imposed by a 2015 spending agreement.

Amid the White House's recent budget activity, states have expressed concern over cuts that would affect delegated programs. On March 30, the National Governors' Association sent a [letter](#) to congressional leaders to this effect. Earlier this month, ECOS President John Linc Stine of Minnesota and ECOS staff met with House and Senate appropriations staff to discuss the status of the EPA budget for FY17. [McAleer]

House Hears Benefits of Brownfields Reauthorization

The U.S. House Subcommittee on Water Resources and Environment, chaired by Rep. Garret Graves (R-LA), held a hearing March 28 on a revitalizing American communities through the Brownfields Program.

With new legislation to reauthorize Brownfields expected soon, the subcommittee was

especially interested to hear about the benefits of Brownfields programs in communities across the nation, both urban and rural, as well as key areas of focus for future legislation. Rep. Graves questioned participants about the private-public partnerships that are created through Brownfields programs, while Ranking Member Grace Napolitano (D-CA) asked how an increase in funding could drive positive outcomes.

Amanda LeFevre, Outreach and Education Coordinator at the Kentucky Brownfield Redevelopment Program, speaking on behalf of the Association of State and Territorial Solid Waste Management Officials, highlighted the small town resources offered through 128(a) program funding. The support of local community officials in the preparation of grant applications and the workshops provided for organizations, communities, and others are among the important benefits of this funding, LeFevre noted.

On April 4, the House Subcommittee on Environment and the Economy will hold a hearing on Brownfields Reauthorization at which former ECOS President Robert Martineau, Commissioner of the Tennessee Department of Environment and Conservation, will testify on behalf of ECOS. More information on that hearing can be found [here](#). [MacCartney]

House Passes Bill Barring U.S. EPA from Using Science Not Publicly Available

On March 29, the House of Representatives passed the Honest and Open New EPA Science Treatment Act (HONEST Act) by a vote of 228-194. The bill, one of many recent efforts aimed at reining in government regulations, prohibits U.S. EPA from writing any rule that uses scientific studies and data not publicly available.

The While House and congressional Republicans believe the bill will ensure sound science and reduce regulatory costs, whereas congressional Democrats assert that the HONEST Act will leave EPA unable to implement important regulatory protections because the agency might not be allowed to release some data underpinning them.

The bill, similar to the Secret Science Act passed in previous Congresses, also requires that scientific studies be replicable and that redacted personal or trade information in data be viewable to those who sign confidentiality agreements. [Longworth]

ECOS Seeks States to Pilot ECOS Measures Project

The ECOS Measures Project, launched in 2016, is creating a dashboard that states can use to better communicate to the public their efforts to protect human health and the environment. This will be a web-based tool, not inviting comparison by state, but allowing each state to graphically tell its story using common measures which have been selected through a robust state-led process through ECOS' Planning Committee and in coordination

with AAPCA, NACAA, ASTSWMO, ACWA, and ASDWA.

ECOS Planning Committee Vice Chair Bill Ehm of Iowa will provide an update on the project next week at the ECOS Spring Meeting. ECOS currently is recruiting 15 states to be pilots for this effort. States that have already agreed to be pilots are Arkansas, Colorado, Hawaii, Iowa, Nebraska, Tennessee, Virginia, and Wyoming.

States interested in piloting the project are who would like more information are asked to please email [Connor MacCartney](#) of ECOS. [Altieri]

ECOS Wants to Hear about State Plans for Earth Day Festivities

How is your state celebrating Earth Day? If your agency is hosting an event, advertising environmentally friendly practices on social media, or promoting the day in another way, ECOS wants to hear about it.

This year, ECOS is compiling a list of the “Top 10” state Earth Day initiatives. Please send information on efforts that your state has underway for Earth Day **by April 14** to [Sarah Grace Longworth](#) of ECOS. [Longworth]

State News You Can Use

[Ohio Approves First-of-its-Kind Wetlands Pilot](#)

[Mississippi Set to Issue Daily Ozone Forecasts](#)

Need to Know News in Emerging Contaminants & ITRC

ECOS Holds TSCA Workgroup Call on DoD's Emerging Contaminants Program and Thermostat Recycling

Area of Focus: [Chemicals and Emerging Contaminants](#)

ECOS on March 30 held its monthly Toxic Substances Reduction Workgroup call. The

Department of Defense's (DoD) Dr. Tricia Underood, Deputy for Chemical and Material Risk Management in the Office of the Deputy Assistant Secretary of Defense, first shared a presentation on DoD's Emerging Contaminants Program. She detailed DoD's start to the program, which included collaboration with ECOS on three White Papers, and described how science experts identify chemicals of potential risk to the Army and public.

Ryan Kiscaden, Executive Director of the Thermostat Recycling Corporation, then presented on the organization's efforts to gather old mercury thermostats for safe recycling.

For links to the White Papers or both PowerPoint presentations, or if you would like to participate in the workgroup, please contact [Sarah Grace Longworth](#) of ECOS. [Longworth]

ITRC

[Interstate Technology and Regulatory Council](#)

ITRC Wraps up Well-Attended Annual Meeting

The ITRC this week held its Annual Meeting in New Orleans with more than 400 attendees representing all 50 states, federal government, industry, tribes, and public stakeholders. Participants attended nine technical team working sessions and an awards ceremony, and heard from two accomplished plenary speakers.

Plenary presentations were delivered by Louisiana Department of Environmental Quality Secretary Chuck Carr Brown, who discussed environmental justice in his state, and sustainable architect David Waggonner, who spoke about stormwater efforts in the city of New Orleans and around the world. The plenary concluded with the presentation of the first ITRC Lifetime Achievement Award given to Tom Schneider of Ohio EPA.

ITRC congratulates all of its award winners and thanks everyone who attended the Annual Meeting! Check back on the [ITRC website](#) for photos, an attendee list, and more information. [Bodi/Reyes]

Upcoming Events

ECOS Meetings

255 Attendees, 45 States Set to Meet with Pruitt, Barrasso, and Others at Spring Meeting

A final agenda is now posted for ECOS' action-packed 2017 Spring Meeting on *New Administration, New Congress: States' Path Ahead*. Registration for the April 6-7 public

gathering stands at 255 attendees, with some 45 ECOS member agencies represented.

Highlights of the April 6-7 public gathering will include keynotes by Misael Cabrera of Arizona on building a change-receptive organization and by U.S. EPA Administrator Scott Pruitt and Senate Environment & Public Works Committee Chairman John Barrasso of Wyoming on their respective priorities. Also planned is a roundtable with former EPA Acting Administrator Robert Perciasepe and former EPA Assistant Administrator for Air & Radiation Jeffrey R. Holmstead on the outlook for the agency. Additional discussions will center on produced water from shale gas production, environmental infrastructure, the energy future, the Volkswagen settlement, community engagement, Sustainable Materials Management, and compliance improvement.

The ECOS room block at the Mayflower Hotel is closed, but government rates may be available. Please contact [Sarah Grace Longworth](#) of ECOS if you plan to cancel a room at the hotel so that we can accommodate the next person on our waiting list.

Access the final agenda, online registration, and hotel information [here](#). [Parisien]

Webinars

ITRC on Groundwater Statistics for Environmental Project Managers

Statistical techniques may be used throughout the process of cleaning up contaminated groundwater, but it can be challenging for practitioners who are not experts in statistics to interpret and use statistical techniques. This training class will encourage and support project managers and others who are not statisticians to:

- Use the ITRC Technical and Regulatory Web-based Guidance on Groundwater Statistics and Monitoring Compliance to make better decisions for projects;
- Apply key aspects of the statistical approach to groundwater data; and
- Answer common questions on background, compliance, trend analysis, and monitoring optimization.

Join ITRC on **April 6 at 1-3:15 p.m. Eastern** for this essential online training! Learn more and register [here](#). [Bodi]

U.S. EPA on Assessing and Addressing Near-Road Air Quality with Easy Modeling

A U.S. EPA webinar on **April 20 at 2-3:30 p.m. Eastern** will present the [Community-LINE Source Model \(C-LINE\)](#), a user-friendly, near-road air pollution model. C-LINE allows users to evaluate how changes in traffic may affect air pollution. Users can easily manipulate model inputs to also examine upwind and downwind effects, or estimate the areas most influenced annually by near-road pollution.

[Register here](#) to attend the webinar and learn more. [Hanson]

ECOSWIRE Notes

ECOSWIRE will not be published on April 7 due to the ECOS Spring Meeting. Publication will resume on April 14.

Also, the March 24 edition of *ECOSWIRE* incorrectly reported the date of a House hearing on state ozone standard flexibility. That hearing was held on March 22, not May 22.



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From: ECOS
To: Hull, George
Sent: 12/22/2017 4:34:41 PM
Subject: ECOS Leaders Meet in Washington to Advance Cooperative Federalism, Congress Funds Government thru Mid-January, & More

ECOSWIRE | Vol. 19 No. 47

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ECOSWIRE

Friday, December 22, 2017

Vol. 19 No. 47

Table of Contents

- [ECOS Leaders Advance Discussions with U.S. EPA on Cooperative Federalism and More](#)
- [Congress Funds Government through Mid-January](#)
- [U.S. EPA Announces Next Steps Following Proposed CPP Repeal](#)
- [ECOS and Other State Media Associations Co-Sign Letter on VIDA](#)
- [U.S. EPA Finalizes e-Manifest User Fee Rule](#)
- [Former U.S. EPA Acting Administrator McCabe Tapped to Head New Jersey DEP](#)
- [Ehm Selected as Executive Committee Region 7 Representative](#)
- [Cross Off Spring Meeting Registration and Reservations from Your Holiday To Do List](#)
- [State News You Can Use](#)
- [Need-to-Know News in Compliance and Enforcement, Air, & Water](#)
- [U.S. EPA Appointments](#)
- [ECOS Staff News](#)
- [Opportunities](#)
- [Upcoming Events](#)

*ECOS will not be published on December 29 and will resume publication January 5.
From all the ECOS staff, best wishes for the holidays and New Year!*

ECOS Leaders Advance Discussions with U.S. EPA on Cooperative Federalism and More

This week ECOS President Todd Parfitt of Wyoming, Vice President Becky Keogh of Arkansas, Secretary-Treasurer Jim Macy of Nebraska, and ERIS President David Paylor of Virginia conducted visits with U.S. EPA officials in Washington, DC, to continue conversations around oversight of delegated programs and advancing Cooperative Federalism 2.0. The ECOS leaders met with Henry Darwin, Deputy Assistant Administrator and Chief of Operations, and officials in the U.S. EPA Offices of Air and Radiation and Enforcement and Compliance Assurance.

The leadership also spent time on the search process for a new ECOS/ERIS Executive Director. The members' commitment to the organizations agendas at this busy time of year is sincerely appreciated. [Dunn]



Congress Funds Government through Mid-January

On December 20, Congress passed a Continuing Resolution (CR) to fund the federal government through January 19, 2018. The third CR in the FY 2018 budget cycle, this bill maintains FY17 spending levels, albeit with some budget anomalies associated with various policy riders. The bill is expected to be signed by President Trump before the current CR expires at midnight Friday.

With lawmakers imminently heading home for the holiday recess, negotiations will resume in January on overall spending caps as well as several unrelated issues expected to be rolled into the budget debate. [McAleer]

U.S. EPA Announces Next Steps Following Proposed CPP Repeal

U.S. EPA on December 18 issued an [Advance Notice of Proposed Rulemaking](#) (ANPRM) indicating that the agency will solicit public input as it considers the next regulatory steps to limit greenhouse gas emissions from existing electric utility generating units (EGUs), also known as power plants.

The ANPRM is a separate, but related, action to the October 16 proposal to repeal the Clean Power Plan. It offers the public the opportunity to comment on specific topics for the agency to consider in developing any subsequent proposed rule. EPA is specifically soliciting information on systems of emission reduction for EGU facilities, compliance measures, and state planning requirements under Clean Air Act section 111(d).

EPA will take comment on the ANPRM for 60 days following publication in the *Federal Register*. More information, including the ANPRM and fact sheet, are available [here](#). [Poole]

ECOS and Other State Media Associations Co-Sign Letter on VIDA

ECOS and three other nonprofit associations representing state environmental regulatory agencies (the Association of Clean Water Administrators [ACWA], the Association of State Wetland Managers [ASWM], and the Association of Fish and Wildlife Agencies [AFWA]) co-signed a letter to members of Congress this week detailing the potential consequences for environmental quality if the Vessel Incidental Discharge Act (S. 1129) were enacted. The associations previously wrote a [letter of concern](#) on VIDA in June 2016.

Read this week's letter [here](#). [Longsworth]

U.S. EPA Finalizes e-Manifest User Fee Rule

U.S. EPA on December 20 finalized its rule for setting and revising fees for users of the e-Manifest system. This final e-Manifest User Fee Rule completes the regulatory framework for implementing Congress' *Hazardous Waste Electronic Manifest Establishment Act of 2012*, which authorizes EPA to implement a national system and collect user fees to recover the costs of developing and operating the system.

Click [here](#) for more information about the final e-Manifest User Fee Rule, including the pre-publication version.

For additional information, join EPA for the next e-Manifest webinar on **January 3 at 2-3:30 p.m. Eastern** by accessing the live webinar [here](#). [Parisien]

Former U.S. EPA Acting Administrator McCabe Tapped to Head New Jersey DEP

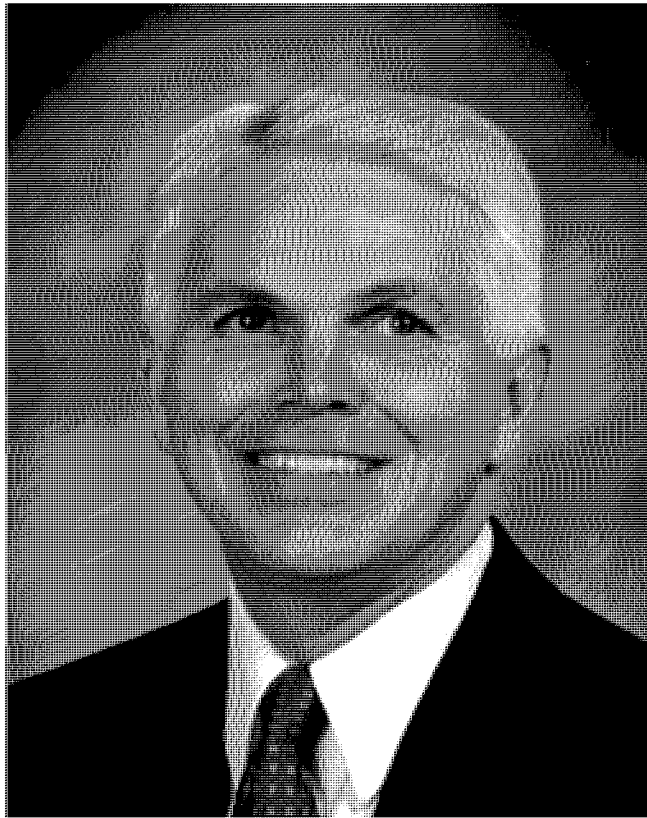
New Jersey Governor-Elect Phil Murphy on December 20 announced his selection of former U.S. EPA Acting Administrator Catherine McCabe to serve as Commissioner of the state Department of Environmental Protection. She will succeed Bob Martin in the post.

Among McCabe's previous positions are Deputy Regional Administrator of EPA's Region 2 and Deputy Chief of the U.S. Department of Justice Environmental Enforcement Section. ECOS looks forward to welcoming her as a member! [Parisien]

Ehm Selected as Executive Committee Region 7 Representative

ECOS is pleased to announce that Bill Ehm of Iowa has been selected by his regional colleagues to serve as Region 7 Representative to the Executive Committee. Ehm fills the unexpired term of Jim Macy, who was elected Secretary-Treasurer earlier this year.

Ehm's term is effective through the 2018 Fall Meeting, with the option for renewal for a full two-year term. [Swanson]



Bill Ehm of Iowa

Cross Off Spring Meeting Registration and Reservations from Your Holiday To Do List

ECOS' elves are already hard at work planning a timely and wide-ranging Spring Meeting on *Getting to Results*. The gathering, to be held March 20-22 ECOS Spring Meeting in St. Paul, Minnesota, will spotlight ECOS' expanding [Results.org](https://www.results.org) effort, as well as state initiatives to accelerate and enhance land cleanups, promote cross-agency partnerships, ensure a secure and sustainable energy future, encourage Sustainable Materials Management, achieve tangible results through Cooperative Federalism 2.0 and E-Enterprise, tackle PFAS, and effectively communicate progress to the public.

Also planned are keynotes by Governor Mark Dayton of Minnesota (invited) and a generational expert on building for future agency success, a point-counterpoint session on Clean Water Action 404 assumption, and two offsite evening events including an excursion to the Science Museum of Minnesota.

Register by **February 16** to receive the reduced early bird rate. Also, act now to reserve a room at the hotel by calling The Saint Paul Hotel at (800) 292-9292, and mention the ECOS Spring Meeting to receive the group rate. The special ECOS group rates of \$149 (government and staff room) and \$169 (deluxe room) plus tax are available until February 19 or sellout of the room block, whichever is sooner. ECOS room nights include March 19, 20, and 21, with limited availability March 22. Visit the [Spring Meeting](#) page for additional

details.

For [agenda](#) or [sponsorship](#) information, please contact Lia Parisien of ECOS. Contact Sarah Grace Longworth for registration information and Megan Swanson for hotel information. [Parisien]

State News You Can Use

[New Mexico Develops Streamlined Oil and Gas Air Emissions Application](#)

[Ohio EPA Announces 2018 Water Pollution Control Loan Fund Program Management Plan](#)

[Mississippi Offers Tips to Promote a Green Holiday Season](#)

Need-to-Know News in Compliance and Enforcement, Air, & Water

U.S. EPA Delays FY17 Data Verification, Plans Webinar on Verification Tool and Improvements

Area of Focus: [Compliance and Enforcement](#)

This week, ECOS shared with members a letter from U.S. EPA's Office of Enforcement and Compliance Assurance (OECA) announcing a delay in the timing of the FY2017 data verification period to allow states time to review changes to the metrics and measures for the State Review Framework Round 4.

The letter also announces a national webinar on **January 16, 2018 at 3-4:15 p.m. Eastern** regarding data verification and improvements EPA has made to its tool that states use to complete their verification process. States may register [here](#).

For more information, contact [Rebecca Kane](#) of OECA. [Graves]

Court Orders U.S. EPA to Set Timetable for Ozone

Designations

Area of Focus: Air

On December 20, the U.S. Court of Appeals for the DC Circuit ordered U.S. EPA to act by **January 12** to set a firm date and outline a compliance timetable for remaining attainment designations for the 2015 ground-level ozone standard.

All designations were due October 1. U.S. EPA formally published designations for areas of the country in attainment on November 16. The final decisions for areas likely out of compliance have not been released.

In June 2017, EPA Administrator Scott Pruitt announced a one-year extension that would have pushed back the deadline for all attainment designations until October 2018. This extension was withdrawn in August 2017. For enforcement purposes, the attainment designations start the clock for states that must draft cleanup plans for areas that are out of compliance. [Poole]

U.S. EPA Launches Water System Partnerships Website

Area of Focus: Water

U.S. EPA has launched a new interactive website to promote awareness of the benefits of drinking water partnerships. For communities and utilities facing growing costs and challenges for treating drinking water, drinking water system partnerships provide opportunities to increase capacity, share costs, and leverage other resources.

The new website highlights ways partnerships can address these challenges, enhancing public health by working together and sharing information through a user-friendly interface accessible to states, communities, utilities, and others. [Piper]

U.S. EPA Appointments

Stepp Moving From Region 5 to Helm of Region 7

U.S. EPA Administrator Scott Pruitt on December 19 announced the appointment of former ECOS member Cathy Stepp to become Regional Administrator for Region 5.

Stepp currently serves as Principal Deputy Regional Administrator for Region 7 and will return to the Midwest region, where was Secretary of the Wisconsin Department of Natural Resources from 2011 to 2017. Stepp also previously served as a Wisconsin State Senator. [Parisien]

ECOS Staff News

Graves Promoted to Executive Project Manager

ECOS congratulates Beth Graves on her recent promotion to the position of Executive Project Manager!

Graves, who has worked for the association for a decade, spearheads work conducted under the E-Enterprise for the Environment initiative and the ECOS Planning Committee. [Parisien]

Opportunities

Reminder: State Communications Leads Sought for New ECOS Community of Practice

ECOS invites all members to provide the contact information for their agency's lead communications expert to become part of our new Communications Community of Practice. In accordance with [ECOS President Todd Parfitt's 2017-2018 priorities](#), ECOS is launching this virtual learning community for state communications professionals to share best practices, success stories, challenges, and transferable lessons.

It is anticipated that once all contacts are identified, the group may hold three calls per year and also use one another as resources to share questions and information. The group also will periodically interface with U.S. EPA communications leads from Headquarters and the Regions.

Contact information for your state expert may be sent to [Nia Duke](#) of ECOS. [Duke]

U.S. EPA Invites Nominations to National Advisory Council for Environmental Policy and Technology

U.S. EPA is seeking nominees to fill several potential vacancies on the National Advisory Council for Environmental Policy and Technology (NACEPT). Representatives of state, local, and tribal governments, academia, industry, and nongovernmental organizations serve on this federal advisory committee.

NACEPT provides advice to the EPA Administrator on a range of policy, management, and technology issues.

For more information, including how to apply, refer to the [Federal Register notice](#). The

deadline for applications is **January 3, 2018**. [Hanson]

U.S. EPA Seeks Nominations to Commission for Environmental Cooperation Committee

U.S. EPA invites nominations for appointment to the Governmental Advisory Committee to advise the U.S. Representative to the Commission for Environmental Cooperation.

Nominees are sought by **February 16, 2018** from the state, local, and tribal government sectors. For more information, click [here](#). [Parisien]

Upcoming Events

Webinars

ITRC on Remedy Selection for Contaminated Sediments

The Interstate Technology & Regulatory Council (ITRC) will hold its first online training of 2018 on *Remedy Selection for Contaminated Sediments* on **January 9, 2018 at 1-3:15 p.m. Eastern**.

The sediments underlying many of our nation's major waterways are contaminated with toxic pollutants from past industrial activities. Cleaning up contaminated sediments is expensive and technically challenging. Sediment sites are unique and complex, and require a multidisciplinary approach and often project managers lack sediments experience. This training course will teach participants to apply the associated ITRC technical and regulatory guidance as a tool to overcome the remedial challenges posed by contaminated sediment sites.

Learn more and register [here](#). [Bodi]

Exchange Network on Grant Applications

In support of the FY 2018 Exchange Network (EN) Grant cycle, U.S. EPA is hosting webinars to assist interested applicants. The final webinar will be held **January 10, 2018 at 1-2 p.m. Eastern**. Topics will include a summary of the FY 2018 EN Grant program, new and modified solicitation notice content, administrative procedures for submitting applications, tips on writing a high-quality application, and a question-and-answer session for potential applicants.

To participate, call [\(866\) 299-3188](tel:8662993188) and use conference code [2025660466#](#), and access this [webinar link](#). An Adobe Connect account is not required to enter the webinar, and

participants can simply log in as a guest.

For more information, please contact EPA's [Salena Reynolds](#). [McAleer]

ECOS and U.S. EPA on ECHO

An E-Enterprise ECHO team led by Oklahoma and EPA has identified potential improvements to the display, usability, and accuracy of U.S. EPA's Enforcement and Compliance History Online (ECHO) website. The team has identified a number of possible enhancements to improve the user experience and the display of facility compliance history.

Two identical webinars were planned to share the proposed changes with the co-regulator community and receive feedback. The first was held on December 12, and a second webinar will repeat the same content on **January 11, 2018 at 12-2 p.m. Eastern**. Please register [here](#).

In advance of the webinars, states can learn more about the proposed changes in this [summary document](#). Please note that the changes are proposals only at this point and the team is seeking comments and input to ensure that proposed changes will meet the needs of ECHO stakeholders. You may send general written comments, questions, and markup of the summary document to [Layne Piper](#) of ECOS.

Oklahoma, as state team lead, asks states to provide input on a very brief set of questions to help the team better understand the ECHO community's preferences for a specific set of display and labeling options. Please click [here](#) by **January 26** to participate. [Piper]

NEWMOA and NERC on C&D Materials Management & Markets in the Northeast

The Northeast Waste Management Officials Association (NEWMOA) and Northeast Recycling Council (NERC) will host a webinar on Construction & Demolition (C&D) Materials Management and Markets in the Northeast on **January 17, 2018 at 2-3:30 p.m. Eastern**.

The discussion will center on two main areas:

- The results of NEWMOA's recently released analysis of data collected by the environmental agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont on architectural C&D materials disposal, processing, and recovery for reuse and recycling.
- The results of a Massachusetts Department of Environmental Protection (MassDEP) funded study that evaluated the current and future status of C&D debris management in Massachusetts, and identified and recommended potential opportunities for the diversion of a greater proportion of recyclable materials to recycling markets. NERC

administered and contracted with DSM Environmental Services to conduct the project. MassDEP has established a goal of diverting 50 percent of C&D materials from disposal, but in recent years the actual diversion rate has plateaued at around 30 percent. The primary objective of the analysis undertaken by DSM was to first assess incoming and outgoing materials at Massachusetts C&D processors and handling facilities, and to determine what the opportunities and constraints are to increase materials diversion beyond 30 percent.

Register for the webinar [here](#). Please reach out to [Connor MacCartney](#) with any questions. [MacCartney]

U.S. EPA on Urban Soil Contamination

U.S. EPA will hold its first Tools and Resources webinar of the New Year on **January 17, 2018 at 3-4 p.m. Eastern**. The webinar will focus on identifying sources (site-related or natural, anthropogenic) of soil contamination in urban settings, a process vital to decision-making during environmental cleanups.

Presenters will discuss EPA's methodology for citywide or urban area background data set collection, as well as results of a recent U.S. EPA study on soil contamination in Louisville and Lexington, Kentucky; Memphis and Chattanooga, Tennessee; Raleigh and Winston-Salem, North Carolina; and Gainesville, Florida.

To register, click [here](#). [Longsworth]

ECOS on 2018 Clean Water SRF

On **January 30, 2018 at 2-3:30 p.m. Eastern**, ECOS will host a webinar to highlight three states' innovative uses of Clean Water State Revolving Funds (CWSRF). The three featured projects demonstrate unique uses and dispersion of CWSRF funds, and offer valuable case studies that will build state capacity and knowledge.

See [this flyer](#) for more information on the presentations from Idaho, Iowa, and Massachusetts. The webinar is the product of a research project to document the flexibilities of the CWSRF. ECOS is working under a cooperative agreement with U.S. EPA's Office of Water.

Register [here](#) for the webinar, or contact [Layne Piper](#) for more information. [Piper]



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ECOSWIRE

Friday, August 4, 2017

Vol. 19 No. 30

Table of Contents

- [States, U.S. EPA Gather in Denver to Talk Lean](#)
- [ECOS Superfund Workgroup Holds Inaugural Call, Seeks More Members](#)
- [ECOS All-Member Webinar Provides Sneak Preview of ECOSResults.org](#)
- [New ECOS Green Report Spotlights State Permit Streamlining](#)
- [ECOS, Other Associations Urge U.S. EPA to Clarify 404 Assumption](#)
- [ECOS Fall Meeting Early Registration Ends Today; Room Block Closes August 9](#)
- [State News You Can Use](#)
- [Member Spotlight](#)
- [Need-to-Know News in Air & Waste](#)
- [Opportunities](#)
- [Upcoming Events](#)

States, U.S. EPA Gather in Denver to Talk Lean

A group of 42 business process improvement (BPI) leaders representing 16 states and U.S. EPA met this week at EPA's Region 8 offices in Denver to share lessons learned and strengthen ties among environmental agency process improvement professionals. Over the course of the August 1-2 gathering, the group formulated a plan to coordinate their respective initiatives, share results data, and establish a structure for an official national BPI network.

State leaders and EPA Lean Advocates also gained insight from presentations and tours from several Colorado-based innovators including the City of Denver Peak Academy, Colorado Department of Transportation, and Governor's Office Lean team.

ECOS thanks all the states that participated in the meeting: Arizona, Arkansas, California, Colorado, Delaware, Iowa, Minnesota, Montana, New Hampshire, Ohio, Rhode Island, Utah, Vermont, Washington, Wisconsin, and Wyoming. Please contact [Owen McAleer](#) of ECOS for more information on this work.

In related news, the EPA Office of the Inspector General (OIG) this week released a [report](#) finding that the agency "needs to institutionalize its 'Lean' program to reap cost and time benefits." Among OIG's recommendations to the agency was the "development of a cohesive strategy for leading, implementing, and monitoring the Lean initiative." Last month, EPA named former ECOS member Henry Darwin of Arizona as Assistant Deputy Administrator and Chief Operating Officer with the charge of implementing a Lean management system to achieve better results for the agency. Darwin will participate in an ECOS Fall Meeting roundtable on *Inspiring Innovation and a Change-Oriented Culture* alongside his Arizona successor, Misael Cabrera, and other states. [McAleer]



ECOS Superfund Workgroup Holds Inaugural Call, Seeks More Members

Senate Hearing Focuses on Superfund Modernization

A new ECOS Superfund Workgroup on July 31 held its inaugural call to chart a cooperative federalism course in implementing the recent recommendations of the U.S. EPA Superfund Task Force recommendations (see July 28 edition of *ECOSWIRE*). Led by ECOS Waste Committee Chair Scott Thompson of Oklahoma, the workgroup will hold monthly calls to maximize state-federal cooperation in implementing the federal recommendations. Task force Chair Kell Kelly, Senior Advisor to the EPA Administrator, will participate in the workgroup along with other EPA officials and leaders of the Association of Solid Waste Management Officials (ASTSWMO).

On the call, ECOS members expressed support for the overarching goals of the recommendations to accelerate and improve cleanups and said states want to be an integral part of achieving them. Members pointed to a need to be involved upfront in issues like remedy selection and to find ways to avoid duplication of effort and contain costs to states.

In August 1 [testimony](#) before a Senate Environment & Public Works subcommittee, former ASTSWMO President Jeffery Steers echoed these sentiments, pointing to an opportunity

to modernize certain aspects of Superfund law to acknowledge the role of states as co-regulators who operate sophisticated programs across the country. “Our members, and to some extent our regulated community, continue to be challenged with the skyrocketing financial obligations associated with remediating contaminated lands,” Steers said.

Steers also pointed to ECOS’ *Cooperative Federalism 2.0* effort during the question-and-answer period. C-SPAN’s video coverage of the hearing is available [here](#).

If you are interested in participating in the new ECOS workgroup, or have written comments or suggested call topics to share, please contact [Lia Parisien](#) of ECOS. [Parisien/Harrison]

ECOS All-Member Webinar Provides Sneak Preview of ECOSResults.org

ECOS convened an All-Member Webinar on August 1 to provide an update on the ECOS Results Project and a first glimpse at preliminary infographics and site designs of ECOSResults.org. An adaptable and engaging website, ECOSResults.org will use charts, graphs, and other data displays to show the progress states are making to protect human health and the environment.

Under the leadership of ECOS President John Linc Stine of Minnesota and Past President Martha Rudolph of Colorado, ECOS launched the project in 2016 to identify common environmental, economic, and public health progress measures for all states to use. Fourteen common measures were selected in early 2017 following a robust state-led process through the ECOS Planning Committee, in coordination with the state environmental media associations.

ECOS members on the call were supportive of the design preview. Stay tuned for a demo of ECOSResults.org at the ECOS Fall Meeting. If you have any questions about the project, please contact [Sonia Altieri](#) or [Connor MacCartney](#) of ECOS. [Altieri]

New ECOS *Green Report* Spotlights State Permit Streamlining

In an effort to showcase state innovations in permitting processes, ECOS has prepared a *Green Report* on permit streamlining efforts.

The report, titled *Streamlining Permitting: An Inventory of State Environmental Agency Online Tools and Resources*, provides details of initiatives as they appear on the websites of state environmental agencies. [Harrison]

ECOS, Other Associations Urge U.S. EPA to Clarify 404 Assumption

This week ECOS and the Association of Clean Water Administrators and Association of State Wetland Managers sent a [letter](#) to U.S. EPA's Office of Water encouraging the agency to adopt the majority recommendations included in the final report of the Assumable Waters Subcommittee and undertake an effort to clarify Section 404(g), either through guidance or rulemaking.

The letter expresses appreciation for the agency's response to state requests to clarify the 404 assumption process, and says "many states already play a major role in implementation of dredge and fill regulations, and that combined state-federal programs provide effective, efficient, resilient, protective, and stable regulation in accordance with Section 404 of the Clean Water Act." [Piper]

ECOS Fall Meeting Early Registration Ends Today; Room Block Closes August 9

Early registration closes today for ECOS' action-packed 2017 Fall Meeting in Jackson Hole, Wyoming on *Bright Ideas: States Leading the Way*. The interactive program ties together a number of cutting-edge ECOS initiatives of interest to a variety of stakeholders. Among the highlights, ECOS will feature outstanding programs selected for 2017 State Program Innovation Awards, unveil a new dashboard that states can use to better protect human health and the environment, and explore early wins in its Cooperative Federalism 2.0 campaign to forge an improved state-U.S. EPA partnership.

Confirmed keynoters are Wyoming Governor Matt Mead and former ECOS member Collin O'Mara (Delaware), now President & CEO of the National Wildlife Federation. Attendees also will be welcomed to the meeting by David Vela, Superintendent of Grand Teton National Park. U.S. EPA officials already confirmed to attend are Assistant Deputy Administrator & Chief of Operations Henry Darwin, Senior Advisor to the Administrator for Regional & State Affairs Ken Wagner, and Acting Deputy Administrator Mike Flynn. Sure to be a highlight of the meeting is an evening excursion to Grand Teton National Park.

The public portion of the Fall Meeting runs September 11 and 12, with **states-only sessions planned until 11:15 a.m. on September 13**. These discussions will be followed by the E-Enterprise for the Environmental Leadership Council Meeting on the afternoon of September 13 and morning of September 14 until 11:30 a.m. The special ECOS group rates at Snow King Resort are available until **August 9** or sellout of the room block, whichever is sooner.

See the Fall Meeting [website](#) for the agenda, online registration, hotel reservation link, hotel overflow suggestions, ground transportation options, and area attractions. For more

information about the agenda, sponsorship opportunities, or the hotel, contact [Lia Parisien](#) of ECOS. For additional registration information, contact [Sarah Grace Longworth](#) of ECOS. [Parisien]

State News You Can Use

[New York YouTube Series Features DEC Staff and Their Work](#)

[Pennsylvania Develops App for O&G Inspections, Nominated for National Award](#)

[Tennessee Digitizes Septic System Cords for Public](#)

[Missouri Offers Compliance Assistance Visits](#)

[Rhode Island Offers \\$4 Million to Help Communities Protect Open Space](#)

[Utah Voluntary Cleanup Program Promotes Streamlined Process](#)

Member Spotlight

**Two Minutes with Julie Moore, Secretary,
Vermont Agency of Natural Resources**



**How long have you been Secretary of the Vermont Agency of Natural Resources?
What's your best experience thus far?**

I was appointed by Governor Phil Scott in January 2017. My best experience thus far been the opportunity to learn from the amazing scientists and practitioners who work on the incredible diversity of issues ANR is tasked with – everything from cumulative contaminant risk to groundwater as a public trust to forest fragmentation and even endangered mussels!

How has being a member of ECOS benefited you?

ECOS provides the opportunity to meet my counterparts in other states. Still feeling quite new to the job, there is so much value in having a network of peers who are very generous with their time and sharing their experience.

What is the best management advice you've received?

"Play it straight." Ultimately, people – whether staff, advocates, or the public – appreciate direct, concise, honest answers, including saying "I don't know" when you don't know.

CONTINUED HERE

Need-to-Know News in Air & Waste

U.S. EPA Withdraws Extension for 2015 Ozone NAAQS Designations

Area of Focus: Air

On August 2, U.S. EPA withdrew the 1-year extension of the deadline for promulgating initial area designations for the 2015 Ozone National Ambient Air Quality Standards (NAAQS) published in the June 28 Federal Register. Through discussions with states concerning designations, EPA now understands that the information gaps that formed the basis of the extension may not be as expansive as the agency previously believed. There may be areas where designations could move forward in the next few months. Publication of this action in the *Federal Register* is expected within the next couple of weeks.

The action comes a day after several states filed a [petition for review](#) in the U.S. Court of Appeals for the DC Circuit. New York, California, Connecticut, the District of Columbia, Delaware, Illinois, Iowa, Maine, Massachusetts, Minnesota, New Mexico, Oregon, Rhode Island, Pennsylvania, Vermont, and Washington are asking the U.S. Court of Appeals to review EPA's decision to extend the deadline for promulgating initial area designations for the 2015 ozone NAAQS.

While not referencing the lawsuit directly, EPA Administrator Scott Pruitt notes in an August 2 [press release](#), "Under previous Administrations, EPA would often fail to meet designation deadlines, and then wait to be sued by activist groups and others, agreeing in a settlement to set schedules for designation. We do not believe in regulation through litigation, and we take deadlines seriously." He adds, "We believe in dialogue with, and being responsive to, our state partners. Today's action reinforces our commitment to working with the states through the complex designation process." [Poole]

U.S. EPA 2017 Air Trends Report Shows Significant Progress

Area of Focus: [Air](#)

On August 2, U.S. EPA released its annual air trends report titled [Our Nation's Air: Status and Trends Through 2016](#) that shows significant air quality strides during a time of economic growth.

Reporting that that this progress often is overlooked, EPA points to the Association of Air Pollution Control Administrators' report [The Greatest Story Seldom Told](#), which explains that "[t]hrough the Clean Air Act's framework of cooperative federalism, hard-working state and local air agencies have been responsible for tremendous progress in virtually every measure of air quality."

The report shows that between 1990 and 2016, national concentration averages of harmful air pollutants decreased considerably, with:

- Lead (3-month average) down 99 percent;
- Carbon monoxide (8-hour) down 77 percent;
- Sulfur dioxide (1-hour) down 85 percent;
- Nitrogen dioxide (annual) down 56 percent;
- Ground-level ozone (8-hour) down 22 percent;
- Coarse Particulate Matter (24-hour) down 39 percent; and
- Fine Particulate Matter (24-hour) down 44 percent.

However, EPA Administrator Scott Pruitt does note, "Despite this success, there is more work to be done. Nearly 40 percent of Americans are still living in areas classified as 'nonattainment' for failing to achieve national standards. EPA will continue to work with states, tribes, and local air agencies to help more areas of the country come into compliance."

See more information [here](#). [Poole]

U.S. EPA Tests New Smoke Sense App to Educate Public and Gather Information

Area of Focus: [Air](#)

U.S. EPA has released a new smartphone app that will help develop risk communication strategies and determine the extent that exposure to wildland fire smoke affects health and productivity. The [Smoke Sense app](#), currently available only for Android phones, allows individuals to learn about wildfires and smoke health risks in their area, report their health symptoms, and report the range of actions they are willing to take to reduce their exposure. The app provides users current and forecasted air quality by zip code and a map showing current fires and smoke plumes. More information about the app and the research it supports is available [here](#).

With the nation in the midst of wildfire season and wildfire smoke triggering air pollution advisories, states may want to review information in [Wildfire Smoke: A Guide for Public Health Officials](#) to help prepare for and address wildfire smoke events. [Hanson]

U.S. EPA Adds Superfund Sites to National Priorities List

Area of Focus: [Waste](#)

U.S. EPA announced July 31 that it is adding seven, and proposing to add four, hazardous waste sites to the Superfund program's National Priorities List (NPL). Superfund law directs EPA to update the NPL annually, and only sites added to the NPL are eligible to receive federal funding for long-term permanent cleanup.

"My goal as Administrator is to restore the Superfund program to its rightful place at the center of the agency's core mission," said EPA Administrator Scott Pruitt. "When we clean up these sites, we make communities healthier places to live and clear the way for development and increased economic activity."

The following sites are being added to the final NPL:

- The Battery Recycling Company in Bo. Cambalache, Puerto Rico
- Former Custom Cleaners in Memphis, Tennessee
- Highway 18 Ground Water in Kermit, Texas
- Microfab Inc. in Amesbury, Massachusetts
- Old Highway 275 and N. 288th Street in Valley, Nebraska
- Post and Lumber Preserving Co. Inc. in Quincy, Florida
- Saint-Gobain Performance Plastics in Village of Hoosick Falls, New York

The following sites are being proposed for addition to the NPL:

- Newark South Ground Water Plume in Newark, Delaware
- American Creosote DeRidder in DeRidder, Louisiana
- Mississippi Phosphate Corporation in Pascagoula, Mississippi
- Eagle Industries in Oklahoma City, Oklahoma

Federal Register notices and supporting documents for the final and proposed sites are [here](#). [Parisien]

Opportunities

U.S. EPA Seeks State Officials for Local Government/Small Community Advisory Committees

U.S. EPA seeks local, state, and tribal elected and appointed officials for its Local Government Advisory Committee (LGAC) and the Small Community Advisory Committee (SCAC). The LGAC provides advice on the development and implementation of agency programs at the local level, while SCAC members serve to represent communities of under 10,000. Applications are due **August 10** for consideration for September 2017 appointments to 1-2 year terms.

The full solicitation is available [here](#). [Parisien]

Upcoming Events

Calls

PFAS Workgroup

ECOS and U.S. EPA's joint PFAS Workgroup will host a bimonthly call for interested state and EPA partners on **August 7 at 4-5 p.m. Eastern**. The purpose of the call is to share information on PFAS work, including analytical methods, toxicity, and treatment. Monday's call will feature a discussion of EPA's cross-agency coordination of PFAS activities from the agency's Office of Research and Development (ORD) Acting Assistant Administrator Bob Kavlock, as well as an update on the EPA's PFAS Analytical Methods Workgroup from Co-Chairs Cindy Caporale of Region 3, Schatzi Fitz-James of the Office of Land and Emergency Management, and Chris Impellitteri of ORD. States will also have time to share and discuss their PFAS updates.

Please pre-register for the call by contacting [Sarah Grace Longworth](#) of ECOS with questions or for a copy of the workgroup's May call summary. [Longworth]

Webinars

ECOS and U.S. EPA on Compliance Research Part 2

Jodi Short of the University of California Hastings College of Law will present “Monitoring: A Review of Research on Inspection and Compliance for Regulators” on **August 9 at 3-4:30 p.m. Eastern**. The research highlights what is known about the way monitoring practices can drive – or undermine – compliance.

The Compliance Research Webinar Series, hosted by EPA OECA's NETI and designed for ECOS, U.S. EPA, and state environmental agencies, will help program administrators understand how collaboration with academics can identify effective and measureable approaches to compliance. In each of the webinars, social and behavioral scientists from top universities will present research findings on compliance monitoring, rule and permit design, reporting and transparency, and innovative enforcement. Following the presentations, participants will discuss program initiatives that can be put to the test through collaboration with academics.

Additional webinars will be held as follows:

- Rule and Permit Design – **September 28, 2-3:30 p.m. Eastern**
- Reporting and Transparency – **October 24, 2-3:30 p.m. Eastern**
- Innovative Enforcement – **November (TBD)**

For more information, please contact Sonia Altieri at saltieri@ecos.org. [Altieri]

ITRC on Long-Term Contaminant Management Using Institutional Controls

On **August 14 at 1-3:15 p.m. Eastern**, ITRC will host an online training on Long-Term Contaminant Management Using Institution Controls (ICs).

ICs are administrative or legal restrictions that provide protection from exposure to contaminants on a site. When ICs are jeopardized or fail, direct exposure to human health and the environment can occur. After attending this training, participants will be able to describe best practices and evolving trends for IC management at individual sites and across state agency programs, improve IC reliability and prevent IC failures, and improve existing, or develop new IC management programs.

Learn more and register [here](#). [Bodi]

U.S. EPA on Water Finance Clearinghouse

U.S. EPA, through the [Water Infrastructure and Resiliency Finance Center](#), this week launched the [Water Finance Clearinghouse](#), a web-based portal to help communities make

informed financing decisions for their drinking water, wastewater, and stormwater infrastructure needs. The Clearinghouse contains a database with more than \$10 billion in water funding sources and more than 550 resources to support local water infrastructure projects. The clearinghouse follows a crowdsourcing model and can be updated in real time based on suggestions from states, federal agencies, and other water sector stakeholders through the Contributor Portal.

States can [register](#) for webinars on how to use the Clearinghouse on **August 14, 18, 24, and 31**. All webinars will be held at **2-3 p.m. Eastern**. [Piper]

U.S. EPA on CROMERR Shared Services

EPA's Office of Environmental Information will hold an open call on its Shared Cross-Media Electronic Reporting Rule (CROMERR) Services (SCS) as a follow-up to the webinar held in May. Over the past couple of years, EPA has assisted co-regulators in implementing electronic reporting programs by developing and managing CROMERR- compliant services centrally and offering these services to co-regulators as needed to reduce time and money from developing and maintaining these services independently.

This webinar will be held on **August 16 at 2 p.m. Eastern**. U.S. EPA will present the latest enhancements and alternatives available to co-regulators and discuss the processes, roles, and resource requirements for integrating and managing SCS. Existing SCS implementers and those planning to implement new electronic reporting programs in their agencies may be interested in attending.

To register, click [here](#). [Ortiz/Parisien]

U.S. EPA on ECHO Training

Join the [Enforcement and Compliance History Online](#) (ECHO) team for another quarterly training webinar. This webinar will focus on water facility search tools including the water facility search, effluent charts, and the pollutant loading tool.

The webinar will be held on **August 22 at 1:30 p.m. Eastern**, and registration is available [here](#). It will be recorded for the [training page](#) if this time conflicts with your schedule. [Piper]

EPA Tools and Resources Webinar

U.S. EPA will hold its monthly Tools and Resources Webinar on **August 23 at 3-4 p.m. Eastern**. The webinar will highlight the National Stormwater Calculator (SWC), which supports local, state, and national stormwater management objectives and regulatory efforts to reduce runoff and impairment through infiltration and retention using green infrastructure practices as low impact development controls. The primary focus of the SWC is to inform site developers as to how well they can meet a desired stormwater retention

target with and without the use of green infrastructure. While the SWC currently operates only as a Windows-based desktop program, a mobile application version compatible with all operating systems will be released this fall.

To join the webinar, register [here](#). [Longsworth]

U.S. EPA on Water Issues

U.S. EPA has two ongoing webinar series addressing clean water and small water systems. The Office of Research and Development (ORD) hosts a series on [water research](#), with the following monthly webinars scheduled:

- **August 30** - Nutrients: Weatherizing, Salinization, and Evolution of Urban Water
- **October 25** - Life Cycle Assessment as a Decision Support Tool

More information on the water research webinar series, including how to register, is available [here](#).

In addition, ORD and the Office of Water host a monthly [webinar series on small drinking water systems](#). Their schedule for the rest of the year is:

- **August 29** - Treatment and Control for Manganese and Iron
- **September 26** - Small Systems Research DeRISK Center
- **October 31** - State Acceptance of UV Disinfection Technologies
- **November 28** - Lead in Schools and Selecting Lead Free Fixtures
- **December 12** - Residual Chlorine and Calibration Check for Chlorine Instruments

More information on the small systems webinars, including recordings of past webinars and how to register, is available [here](#). [Hanson]



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ECOSWIRE | Vol. 19 No. 17

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ECOSWIRE

Friday, May 5, 2017

Vol. 19 No. 17

Table of Contents

- [Congress Passes FY17 Omnibus that Avoids Significant U.S. EPA Cuts](#)
- [STEP Theme and Registration to Go Live Monday](#)
- [ECOS Seeks Innovative CWSRF Projects to Spotlight](#)
- [U.S. EPA Submits Rule to Repeal and Rewrite WOTUS](#)
- [ECOS Welcomes U.S. EPA Step Forward on State CCR Permitting](#)
- [ERIS Releases Study of State Research Needs](#)
- [State News You Can Use](#)
- [Need-to-Know News in Air & Water](#)
- [Regulatory Reform Corner](#)
- [Upcoming Events](#)

Congress Passes FY17 Omnibus that Avoids Significant U.S. EPA Cuts

Area of Focus: Planning

On May 4, Congress passed an omnibus appropriations bill to fund the federal government through the end of fiscal year 2017. The bill funds U.S. EPA at \$8.06B, an \$81M or one percent reduction from FY16 enacted funding levels. Noteworthy changes to the State and Tribal Assistance Grants (STAG) account include:

- An increase in the usual rescission from unobligated STAG funds from \$40M to \$61.2M;
- The addition of a new \$4M *Water Quality Monitoring* non-categorical grant to address the Gold King Mine Spill;
- Partial increases in the Diesel Emissions, Targeted Airshed, and CWA §319 grant programs; and
- Elimination of the \$21M State Multipurpose Grant program from FY2016.

President Trump, despite earlier comments hinting at a shutdown, is expected to sign the bill before the government shutdown deadline of midnight today. Once the bill is enacted, EPA will have 30 days to release an FY17 operations plan containing program-level information on funding and rescission applications.

For an ECOS chart showing the full EPA budget, click [here](#). [McAleer]

STEP Theme and Registration to Go Live Monday

After wrapping up a successful Spring Meeting last month, ECOS already is busy planning its July 17 STEP Meeting in Washington, DC. The meeting theme, hotel information, and registration will go live on Monday at www.ecos.org.

To discuss STEP sponsorship opportunities, please contact ECOS Executive Director Alexandra Dunn at (202) 266-4929 or adunn@ecos.org. [Lane]

ECOS Seeks Innovative CWSRF Projects to Spotlight

Area of Focus: [Water](#)

ECOS is pleased to announce the commencement of a project to document additional innovative projects funded by the Clean Water State Revolving Fund (CWSRF) under a

cooperative agreement with U.S. EPA's Office of Water. We are seeking 1-2 paragraphs about projects and approaches that demonstrate unique uses and dispersion of CWSRF funds. The uniqueness and creativity of the work could lie in the project itself or in the financing approaches, terms, and conditions. We will ultimately profile about 15 projects, in a variety of large, medium, and small communities, and in rural, suburban, and urban settings. We are especially focusing on projects that benefit disadvantaged communities, that build recipient capacity, and that address sustainability challenges.

ECOS will select 10-15 projects to be featured from those submitted, and will follow up with those points of contact to document the approach in detail. ECOS will write the case studies in summer 2017, and will share drafts with the parties referenced in each case study. A panel of judges will choose three projects from EPA, ECOS, and our partner water associations to be featured in a national webinar in the fall. The report will be designed and finalized shortly thereafter. We will share a link to a recording of the webinar for future use and viewing.

Please see this [memorandum](#) for the information you need to respond to this call for brief project descriptions to be included in ECOS' report and webinar. Examples may be provided to [Layne Piper](#) of ECOS by May 19. [Piper]

U.S. EPA Submits Rule to Repeal and Rewrite WOTUS

Area of Focus: [Water](#)

U.S. EPA on May 2 sent to the White House Office of Management (OMB) its first [rule](#) under the Trump Administration's policy review order. The proposed rule, "Definition of 'Waters of the United States' –Recodification of Preexisting Rules," would repeal the Obama-era Clean Water Act (CWA) jurisdiction rule as the first step in the process of rewriting that policy.

The proposed rule may not be subject to the Administration's order for agencies to designate two existing rules for repeal for every new rule because it has not been categorized as "economically significant."

Technically the deadline for OMB review is 90 days, but the process could take more time. For a copy of an EPA presentation detailing the process for fulfilling Trump's Executive Order to review the Clean Water Rule, please email [Layne Piper](#). [Piper]

ECOS Welcomes U.S. EPA Step Forward on State CCR Permitting

Area of Focus: [Waste](#)

ECOS this week commended U.S. EPA on its initiation of guidance regarding EPA review

and approval of state applications to operate coal combustion residual (CCR) permit programs. State authority to develop and carry out CCR programs, provided by the 2016 Water Infrastructure Improvements for the Nation Act (WIIN Act), actively had been sought by ECOS and its members.

On April 28, EPA Administrator Scott Pruitt sent [letters](#) to the nation's Governors informing them of steps the agency is taking to implement its new authority for approving state programs. "In working together on the draft guidance, EPA and the states are acting in the spirit of cooperative federalism," notes ECOS Executive Director and General Counsel Alexandra Dunn. "ECOS looks forward to continued dialogue with EPA and the Association of State and Territorial Solid Waste Management Officials in the guidance development process." *

The ECOS Waste Committee will discuss development of the guidance during a May 12 call (see related story). [Parisien]

ERIS Releases Study of State Research Needs

Area of Focus: [Environmental Research Institute of the States](#)

The Environmental Research Institute of the States (ERIS), an affiliate of ECOS, released this week a summary of states' current research needs and environmental priorities identified in its second bi-annual survey. The survey, distributed in fall 2016, aimed to coordinate state science needs with the work of the U.S. EPA's Office of Research and Development (ORD).

States identified surface and groundwater quality, remediation and changing remediation standards, nutrients and nonpoint source water contamination, emerging contaminants and toxics, and air quality, specifically the new ozone standard, as the most pressing challenges for their agencies in 2016. States agreed that more training on federal research information, methods, and tools could help to alleviate these issues, and noted webinars and a searchable website as resources to strengthen communication, translation of research, and the state-federal relationship around research.

ERIS has already communicated the survey results with ORD. In late February and March 2017, ORD hosted a series of follow-up calls with state representatives to discuss in more detail the science needed to address the state identified priority areas. "States are already gaining insight and finding value in the survey follow-up calls conducted with ORD," says David Paylor, ERIS President and Director of the Virginia Department of Environmental Quality. "There have been requests for additional coordination, especially regarding topics of high priority like perfluorinated chemicals."

"The Environmental Research Institute of the States is very pleased to be contributing to forming a dynamic and relevant research agenda, both at the EPA and other federal

agencies throughout the scientific and policy community,” says Alexandra Dunn, Executive Director and General Counsel at ECOS.

See the full survey summary [here](#). [Longworth]

State News You Can Use

[Iowa Project AWARE Cleanup to Tackle Upper Cedar River](#)

[Delaware Streamlines Government via Open Data Portal](#)

[Minnesota Expands Plastics Collection Services](#)

[South Carolina Works to Curb Food Waste](#)

[Ohio Offers Array of Assistance Services to Communities and Businesses](#)

[Texas Offers Tips on Going Green with Pets](#)

Need-to-Know News in Air & Water

Twelve Governors Urge Trump to Stay in Paris Agreement, Keep U.S. Commitments

Area of Focus: [Air](#)

Governors from California, Colorado, Connecticut, Delaware, Hawaii, Minnesota, New York, Oregon, Pennsylvania, Rhode Island, Virginia, and Washington this week signed onto a letter urging President Trump to remain in the Paris Climate Agreement and uphold the

United States' commitment to reduce greenhouse gas emissions 26-28 percent below 2005 levels by 2025.

Click [here](#) to view the letter. [Poole]

Pruitt Sees 'Relief' Coming after Ending EPA's 'War on Coal'

Area of Focus: [Air](#)

In a May 1 op-ed in the *Washington Times*, U.S. EPA Administrator Scott Pruitt writes that “relief – and prosperity – is on the way” because the Trump administration has ended the “war on coal” by targeting major climate change regulations such as the agency's greenhouse gas standards for existing power plants.

Pruitt also maintains that greenhouse gas emissions growth in China and India “would continue unchecked” under Obama Administration policies and criticizes the Clean Power Plan for yielding “very little” environmental benefits while simultaneously imposing major economic costs.

For more information, please follow this [link](#). [Poole]

Governors Form Water Policy Learning Network

Area of Focus: [Water](#)

The National Governors Association this week announced the formation of a new Water Policy Learning Network in its Center for Best Practices, to be co-chaired by Governors Edmund G. Brown of California and Larry Hogan of Maryland. The goal of the network is to inform Governors’ natural resource advisors on best practices for water policy that “they are uniquely positioned to advance.”

For more information, see NGA's [press release](#). [Piper]

Regulatory Reform Corner

In accordance with Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” U.S. EPA is seeking input on regulations that may be appropriate for repeal, replacement, or modification.

On April 11, EPA [announced](#) it is soliciting public comments on its evaluation of existing regulations per EO 13777. All public comments will be accessible online in U.S. EPA's docket on the [Regulations.gov](#) website identified by Docket ID No. [EPA-HQ-OA-2017-0190](#). On April 13, EPA issued a [Federal Register](#) notice: [Evaluation of Existing Regulations](#).

On March 24, EPA Administrator Scott Pruitt issued an agency-wide memorandum on implementation of EO 13777, which announced members of the required Regulatory Reform Task Force and directed program offices to seek public input on existing regulations and report findings to the Task Force by May 15. Per the Administrator's March 24 memo, EPA offices have conducted several sessions and still plan the following:

- The Office of Land and Emergency Management will host a public meeting to obtain public feedback on **May 9 at 9 a.m.- 5 p.m. Eastern** in Arlington, VA.

To track all U.S. EPA regulatory reform activities, visit the regulatory reform central website at <https://www.epa.gov/laws-regulations/regulatory-reform>. [Parisien]

Upcoming Events

Calls

Shale Gas Caucus

The Shale Gas Caucus will hold the next call in its produced water series on **May 10 at 2-3 p.m. Eastern**. Participants will hear from the Environmental Defense Fund on U.S. EPA's publicly owned treatment works guidance and from Anadarko on centralized waste treatment permitting. Time will be allotted at the end of the call for a discussion of proposed topics for the SGC's third phase.

A calendar invitation has been distributed to SGC members, and an agenda and materials will follow. For additional information or to participate (open to states and EPA), contact Lia Parisien of ECOS. [Parisien]

Waste Committee

The ECOS Waste Committee will hold a call on **May 12 at 3-4 p.m. Eastern** to discuss the development of EPA guidance on state combustion residual (CCR) permitting programs. Moderated by Waste Committee Chair Scott Thompson of Oklahoma, the call will feature Association of State and Territorial Waste Management Officials (ASTSWMO) CCR Workgroup Co-Chairs Bonnie Buthker of Ohio and Mike Forbeck of Ohio, who will report out on the workgroup's recent discussions. States will then have a chance for Q&A and input.

A Google call invitation has been distributed. To be added to the invitation, please contact Lia Parisien. [Parisien]

Webinars

ITRC on Long-Term Contaminant Management

Institutional controls (ICs) are administrative or legal restrictions that provide protection from exposure to contaminants on a site. When ICs are jeopardized or fail, direct exposure to human health and the environment can occur.

While guidance and research to date has focused on the implementation of ICs, a training class on **May 9 at 1-3:15 p.m. Eastern** will focus on post-implementation IC management, including monitoring, evaluation, stakeholder communications, enforcement, and termination.

Learn more and register [here](#).

Combined Air Emissions Reporting (CAER) Project

E-Enterprise

On **May 10 at 2-3 p.m. Eastern**, a webinar will be held on the Combined Air Emissions Reporting (CAER) project. CAER is a collaborative effort among U.S. EPA, state, tribal, and local air agencies to streamline industry reporting of air emissions and associated data. The webinar will offer an advance look at the presentation planned for EN2017 and will include information on CAER's background, supporting projects, and lessons learned to date.

Registration is available [here](#). The call-in number is (415) 930-5321, with access code 945641420. Contact [Joe Mangino](#) of U.S. EPA for more information. [Parisien]

ECOS on State Lean Skills Exchange Program

On **May 10 at 2-3 pm Eastern**, ECOS will hold a webinar on its State-to-State Business Process Improvement (BPI) Skills Exchange Program. This program, kicked off in 2016, pairs BPI leaders across state agencies and provides support for a short, in-person staff detail focused on training, strategic planning, or other capacity building exercises.

Guests will hear from the state participants in three different exchanges, as well as an introduction from ECOS Innovation & Productivity Committee Chair John Mitchell of Kansas. To register for the webinar, click [here](#). [McAleer]

ITRC on LNAPLs

Light non-aqueous phase liquids (LNAPLs) are organic liquids such as gasoline, diesel, and other petroleum hydrocarbon products. Understanding LNAPLs is important because they are present in the subsurface at thousands of remediation sites across the country, and are often the sole reason why a site remains "open."

This ITRC training course is relevant for all levels of state and federal regulators, environmental consultants, and technically inclined site owners and public stakeholders. The training course is divided into three parts:

- LNAPL Characterization and Recoverability -- Improved Analysis on **May 11 at 1-3:15 p.m.** [Learn more and register.](#)
- Evaluating LNAPL Remedial Technologies for Achieving Project Goals on **May 18 at 1-3:15 p.m.** [Learn more and register.](#) [Bodi]

U.S. EPA on Stormwater Finance

EPA's Water Infrastructure and Resiliency Finance Center and the Water Environment Federation are hosting a series of webinars on stormwater finance. The series will focus on strategies that counties can use to support stormwater management programs. Each webinar will provide a technical overview of successful examples of communities supporting stormwater programs.

Please register for the webinars at these links:

- **May 11, 2-3 p.m. Eastern** - [Register for webinar](#)
- **May 23, 2-3 p.m. Eastern** - [Register for webinar](#)

For more information, click [here](#). [Piper]

EN2017 Meeting Webcast

[Exchange Network](#)

The 2017 Exchange Network National Meeting (EN2017) will be broadcast live via webcast! Unable to join us in person? Join the webcast to view the [General Sessions on May 16-18](#) and the [Concurrent Presentation Sessions on the afternoons of May 16-17](#). You will be able to remotely engage in discussions, submit questions to presenters, and interact with panelists!

Registration for the webcast is now open [here](#). There is no charge.

Links to recordings and the presentation slides will be available [here](#). [Ortiz/Parisien]

U.S. EPA on Decentralized Wastewater MOU Partnership

EPA will hold a webinar on "How State and Local Governments Promote and Proclaim SepticSmart Week," presented by the EPA Decentralized Wastewater MOU Partnership. The webinar will be held on **May 16 at 2-3 p.m. Eastern**. Staff from the State of Washington, the State of Alaska, and the City of Ogden Dunes, Indiana will present. Register for the webinar [here](#). [Piper]

U.S. EPA on Rapid Benefit Indicators

The Rapid Benefit Indicators (RBI) approach, developed by EPA's Office of Research and Development, is an easy-to-use process for assessing restoration sites using non-monetary benefit indicators. The RBI approach uses readily available data to estimate and quantify benefits to people around an ecological restoration site using indicators of nature's value to people (ecosystem service benefit indicators).

The framework uses five questions to guide the process of indicator selection and measurement: Can people benefit from an ecosystem service? How many people benefit? How much are people likely to benefit? What are the social equity implications? How reliable are benefits expected to be over time?

State environmental and health agencies, tribes, and others are invited to register for the webinar on **May 17 at 3-4 p.m. Eastern**. To join, please register [here](#). If you are unable to listen through your computer speakers, please dial [\(866\) 299-3188](tel:8662993188) and enter access code [2025646669](tel:2025646669).

Contact [Lisa Matthews](#) for more information or [Amy Scheuer](#) with registration questions. [Parisien]

U.S. EPA on Water Issues

U.S. EPA has two ongoing series of webinars addressing clean water and small water systems. The Office of Research and Development (ORD) hosts a series on [water research](#) with the following monthly webinars scheduled:

- **May 31** - EPA's Global Change Explorer Web Tools Collection
- **June 21** - Nonpotable Water Reuse in Urban Environments
- **August 30** - Nutrients: Weatherizing, Salinization, and Evolution of Urban Water
- **October 25** - Life Cycle Assessment as a Decision Support Tool

More information on the water research webinar series, including how to register, is available [here](#).

In addition, ORD and the Office of Water host a monthly [webinar series on small drinking water systems](#). Their schedule for the rest of the year is:

- **May 20** - Water Systems Partnerships
- **June 27** - Treatment for Harmful Algal Blooms and Associated Toxins and Funding for Upgrades
- **July 25** - Water Loss and Distribution System Infrastructure: Leak Detection and Cost Savings
- **August 29** - Treatment and Control for Manganese and Iron
- **September 26** - Small Systems Research DeRISK Center
- **October 31** - State Acceptance of UV Disinfection Technologies

- **November 28** - Lead in Schools and Selecting Lead Free Fixtures
- **December 12** - Residual Chlorine and Calibration Check for Chlorine Instruments

More information on the small systems webinars, including recordings of past webinars and how to register, is available [here](#). [Hanson]



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Table of Contents

- [ECOS President Advances State Priorities across Nation's Capital](#)
- [ECOS Expresses Support for Cooperative Federalism, E-Enterprise in U.S. EPA Strategic Plan Comments](#)
- [Pruitt Announces Directive on Agency's Science Committees](#)
- [U.S. EPA Seeks Comments on Applying Federal Permitting Best Practices to State Infrastructure Permits](#)
- [House Looks at Hurricane Response Takeaways in Two Hearings this Week](#)
- [State News You Can Use](#)
- [ECOS Resource of the Week](#)
- [Need-to-Know News in Air, Water, & Environmental Justice](#)
- [E-Enterprise for the Environment](#)
- [Member News](#)
- [Career Opportunities](#)
- [Upcoming Events](#)

ECOS President Advances State Priorities across Nation's Capital

This week, Todd Parfitt of Wyoming and ECOS staff participated in a series of meetings to share Parfitt's [priorities](#) as ECOS President and information on Cooperative Federalism 2.0 and ECOSResults.org. Parfitt met with the White House Office of Management and Budget on the outlook for state and tribal assistance grants and ECOS' [budget priorities](#) generally.

Walking the halls of the U.S. Capitol, Parfitt met with Senate Environment & Public Works Committee Chair John Barrasso

(R-WY) and Rep. Liz Cheney (R-WY).

Other key meetings included discussions with EPA officials on the new [Smart Sectors Program](#) and permitting reform (see related story), and a gathering with the Executive Directors of the Association of Clean Water Administrators and Association of State Wetland Managers on advancing state assumption of the Section 404 program (see related [ECOS Resolution](#)). [Dunn/Swanson]

ECOS Expresses Support for Cooperative Federalism, E-Enterprise in U.S. EPA Strategic Plan Comments

ECOS on October 31 submitted [comments](#) on the U.S. EPA's draft FY 2018-2022 Strategic Plan. In the comment letter, ECOS offers support for the draft plan's emphasis on cooperative federalism and E-Enterprise for the Environment and suggests additional areas for agency focus, such as emergency response. The letter is accompanied by several pages of technical input on various aspects of the strategic plan.

The draft plan was released October 5 for public comment. Over the course of the 26-day public comment period, ECOS held discussions on the draft through an all-member call and correspondence and submissions from individual states.

Stay tuned for a final version of the strategic plan later this year. [McAleer]

Pruitt Announces Directive on Agency's Science Committees

On October 31, U.S. EPA Administrator Scott Pruitt issued a directive designed to ensure "independence and integrity" of agency Federal Advisory Committees (FACs). The new policy requires all FAC members to be independent from EPA and will prevent any individual who receives EPA funding from serving on one of the agency's FACs. This principle would not apply to state, tribal, or local government agency recipients of EPA grants.

The directive focuses on the following areas related to FACs: strengthening member independence; increasing state, tribal and local government participation; enhancing geographic diversity; and promoting fresh perspectives.

In addition, Pruitt announced key leadership appointments for three of the 23 committees: Michael Honeycutt of the Texas Commission on Environmental Quality will chair the Science Advisory Board; Tony Cox of Cox Associates will head the Clean Air Scientific Advisory Committee; and Paul Gilman of Covanta will serve as Chairman of the Board of Scientific Counselors. In the coming days, the full membership of these committees and boards will be announced and is expected to include state environmental agency science experts. [Swanson]

U.S. EPA Seeks Comments on Applying Federal Permitting Best Practices to State Infrastructure Permits

On October 31, EPA issued a [Federal Register](#) notice seeking comments on whether federal permitting best practices are generally applicable to infrastructure permits issued by delegated or authorized states as described in Title 41 of the Fixing America's Surface Transportation Act (FAST-41).

Federal “best practices” specifically refers to the January 18 document [Recommended Best Practices for Environmental Reviews and Authorizations for Infrastructure Projects](#) developed by the Federal Permitting Improvement Steering Council. The document includes the following best practice areas: enhancing early stakeholder engagement; ensuring timely decisions regarding environmental reviews (including exploring opportunities to expand use of general permits where appropriate); improving coordination between federal, state, and tribal agencies; increasing transparency; reducing administrative burdens by using online permit applications, eliminating unnecessary internal process steps, and conducting routine evaluations of permit processes; using geographic information systems (GIS) to expedite permitting; creating and providing training; and implementing other best practices such as use of conflict resolution and third-party neutral facilitators.

Comments are due **November 20**. States are asked to share feedback on the best practices with [Beth Graves](#) of ECOS. [Graves]

House Looks at Hurricane Response Takeaways in Two Hearings this Week

This week, the House Committee on Transportation and Infrastructure held a hearing to “explore key takeaways from this year’s unprecedented hurricane season.” One of the witnesses was new U.S. EPA Region 2 Administrator Pete Lopez.

Also this week, the House Committee on Energy and Commerce Subcommittee on Energy held a hearing entitled *The 2017 Hurricane Season: A Review of Emergency Response and Energy Infrastructure Recovery Efforts*. This hearing featured witnesses from the U.S. Department of Energy and U.S. Army Corps of Engineers. [Dunn]

State News You Can Use

[Louisiana, U.S. EPA, and DOJ Reach Air Pollution Settlement with ExxonMobil](#)

[Colorado, U.S. EPA, and Justice Department Reach Air Pact with PDC Energy](#)

[Missouri Accepting Comments on Reducing Red Tape](#)

[Wyoming Works with U.S. EPA to Protect Streams](#)

[Virginia Reports Cleanest Air in Past 20 Years](#)

[Arkansas Staff Get ‘Groovy’ at Arkansas Environmental Federation Convention](#)

ECOS Resource of the Week

ITRC's Guidance on Complex Sites

Does your state agency use resources from the Interstate Technology and Regulatory Council (ITRC)? One such resource is its latest guidance document, *Remediation Management of Complex Sites*, released this week.

This guidance presents a recommended process for remediation management at complex sites, incorporating and referring to best management practices, tools, and technologies described in previous publications by U.S. EPA, the U.S. Department of Defense, ITRC, and others. The guidance also includes numerous case studies that describe real-world applications of remediation and remediation management at complex sites.

Click [here](#) to view the document. ITRC will hold its first Complex Sites online training class on **February 6, 2018 at 1-3:15 p.m. Eastern**.

ITRC is a state-led coalition of state and federal regulators, industry, and stakeholders working together to achieve regulatory acceptance of environmental technologies. Its website can be accessed at the bottom of ECOS' homepage, or [here](#). [Bodi/Longworth]

Need-to-Know News in Air, Water, & Environmental Justice

U.S. EPA Sets Public Hearing on CPP Repeal

Area of Focus: [Air](#)

U.S. EPA has [announced](#) that it will hold a public hearing on the proposed repeal of the [Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units](#) (commonly known as the Clean Power Plan, or CPP) in Charleston, West Virginia on **November 28-29**. Registration will be open once the [public meeting notice](#) is published in the *Federal Register*, and all individuals wishing to speak are encouraged to register in advance.

"EPA is headed to the heart of coal country to hear from those most impacted by the CPP and get their comments on the proposed Repeal Rule," said EPA Administrator Scott Pruitt.

For additional details, see the [EPA press release](#) and [EPA website for background information on the CPP](#). [Poole]

U.S. EPA Issues Pair of Actions on Cross-State Air Pollution

U.S. EPA on October 30 announced two actions that address cross-state air pollution for the 2008 ozone standards.

One action denies a petition filed by nine northeastern states under Section 176A of the Clean Air Act asking the agency to add eight states plus portions of Virginia to the Ozone Transport Region. EPA has determined that approaches such as those under the Clean Air Act's (CAA's) good neighbor provision will be more effective in addressing remaining ozone transport obligations for the 2008 standards. More information is available [here](#).

In the second action, EPA issued a memo to provide supplemental information to states and the Regions. This information supports the development or review of State Implementation Plans that address the CAA's "good neighbor" provision, as it pertains to the 2008 ozone National Ambient Air Quality Standards. While this information can inform the development of these plans, the information is not a final determination regarding states' remaining obligations under the good neighbor provision, and any such determination would be made through notice-and-comment rulemaking. More information is available [here](#). [Parisien]

U.S. EPA Signs NODA for Proposed Stays of Oil and Gas Air Rules

Area of Focus: Air

On November 1, U.S. EPA signed two Notices of Data Availability (NODAs) related to the agency's proposed stays of air requirements in the 2016 New Source Performance Standards for the oil and natural gas industry. EPA on June 16 had proposed a two-year stay and a three-month stay of the rule's fugitive emissions requirements, well site pneumatic pump standards, and requirements that closed vent systems be certified by a professional engineer while the agency reconsiders issues associated with these requirements.

Since proposing the stays, the agency has heard a wide range of concerns and suggestions from stakeholders both about the 2016 rule and the proposed stays. The NODAs provide information on some of these issues and seek comments to assist in developing a final rule. The information provided in the NODAs falls into two categories: challenges to implementing the requirements in the 2016 rule that would be covered by proposed stays; and the agency's legal authority to issue a stay. EPA also is providing an updated analysis of cost savings, forgone benefits, and net benefits of the proposed two-year stay.

EPA will take public comment on the NODAs for 30 days following publication in the *Federal Register*. For more information, click [here](#). [Parisien]

U.S. EPA Recognizes 28 CWSRF Program Successes

Area of Focus: Water

U.S. EPA on October 31 recognized 28 clean water infrastructure projects for excellence and innovation within the Clean Water State Revolving Fund (CWSRF) program at the 2017 National SRF Workshop hosted in Indianapolis, Indiana by the [Council of Infrastructure Financing Authorities](#). Honored projects range from large wastewater infrastructure projects to small decentralized and agriculture projects.

EPA's Performance and Innovation in the SRF Creating Environmental Success (PISCES) program celebrates innovation

demonstrated by CWSRF programs and assistance recipients. The CWSRF is a federal-state partnership that provides communities a permanent, independent source of low-cost financing for a wide range of water quality infrastructure projects. Over the past 30 years, CWSRF programs have provided more than \$125 billion in financing for water quality infrastructure.

“For decades the Clean Water State Revolving Fund has supported critical water infrastructure projects that help grow the American economy and support our way of life,” said Mike Shapiro, Acting Assistant Administrator for EPA’s Office of Water. “These projects are a testament to the power of the Clean Water State Revolving Fund in leveraging investment to meet the country’s diverse clean water needs.”

More about the projects and the PISCES program can be found [here](#). Information about an ECOS project to identify and share innovative CWSRF work can be found [here](#). [Parisien/Piper]

U.S. EPA Announces Selections for 2017 Environmental Justice Small Grants

Area of Focus: Environmental Justice

U.S. EPA has announced the award of nearly \$1.2 million in competitive grants to 36 community and tribal organizations working to address environmental justice issues in their communities. The grants enable these organizations to conduct research, provide education, and develop community-driven solutions to local health and environmental issues in minority, low-income, and tribal communities.

In an effort to increase outreach to affected communities in states and territories, the 2017 [Environmental Justice Small Grants \(EJSG\) Program](#) placed special emphasis on proposals from under-represented states that have been awarded three or fewer EJSGs over the last five years. Of the [36 total projects selected](#), 23 are from underrepresented states (64%). The agency will make final awards upon successful completion of the award application process. [Poole]

E-Enterprise for the Environment

E-Enterprise

McDonnell Appointed to E-Enterprise Leadership Council

This week, ECOS President Todd Parfitt of Wyoming appointed Pennsylvania Department of Environmental Protection Secretary Patrick McDonnell to serve on the E-Enterprise Leadership Council (EELC). McDonnell fills the state EELC vacancy created when John Stine of Minnesota ended his term as ECOS President.

ECOS thanks Stine for his EELC service and welcomes McDonnell to the leadership body. [Graves]

Member News

Tormey of Iowa Elected to ACOEL Fellowship

Congratulations to Ed Tormey, General Counsel of the Iowa Department of Natural Resources, on his election last week as a Fellow of the American College of Environmental Lawyers (ACOEL). Tormey has practiced environmental law in both the private and public sectors for 27 years and also has served as Legal Services Bureau Chief at the Ohio Environmental Protection Agency.

As reported in last week's *ECOSWIRE*, former ECOS member and President Tom Burack also was one of 20 individuals from across the nation elected last week to the College Fellowship at ACOEL's 10th anniversary meeting in Charleston, South Carolina. [Parisien]

Career Opportunities

ECOS Seeks Project Manager

ECOS is accepting applications for a Project Manager to support the work of E-Enterprise for the Environment (EE) and the National Environmental Information Exchange Network (EN). The Project Manager works with senior staff at state environmental agencies, U.S. EPA, and tribes to support the operation of the EN, and to facilitate its deeply connected and formative role in EE.

To apply for this position, send a resume and cover letter here by November 30 with subject "Application for Project Manager."

See more information here. [Longworth]

Upcoming Events

Meetings

Butler of Ohio to Participate in Disaster and Public Safety Brown Bag on the Hill

The Sea Grant Association invites interested attendees to a lunchtime briefing, *Using Science and Outreach to Assist State and Local Decision Makers in Disaster Preparedness and Public Safety*. ECOS member Craig Butler of Ohio will participate in the lunchtime discussion, which is sponsored by Congressmen Lee Zeldin of New York and Joe Courtney of Connecticut.

The event will be held **November 8 at 12-1:30 p.m.** in the Rayburn House Office Building. RSVP by November 3 to Joel Widder. [Piper]

ECOS Calls

November, December All-Member Calls

ECOS will hold its remaining two All-Member Monthly Calls in 2017 on:

- **November 16, 4-5 p.m. Eastern** on science and research
- **December 14, 3-4 p.m. Eastern** on data and analytics

Please mark your calendars now. An agenda with dial-in information will be emailed to all ECOS members prior to the call.
[Swanson]

Superfund Workgroup

The ECOS Superfund Workgroup will hold its next call on **November 27 at 2:30-3:30 p.m. Eastern** to continue state-U.S. EPA discussion of implementing the recommendations of the EPA Superfund Task Force. The workgroup is chaired by ECOS Waste Committee Chair Scott Thompson, Director of the Oklahoma Department of Environmental Quality, and has the regular participation of EPA Task Force Chair Kell Kelly, Senior Advisor to the Administrator, and other EPA leaders.

The call will include a report-out on Superfund discussions at the recent ASTSWMO Annual Meeting by ASTSWMO CERCLA/Brownfields Subcommittee Chair Amy Brittain of Oklahoma and former ASTSWMO Past President Bonnie Buthker of Ohio. Call participants will provide input on the solutions proposed.

For more information, please contact [Lia Parisien](#) of ECOS. [Parisien]

Shale Gas Caucus

The ECOS Shale Gas Caucus (SGC) will kick off its Phase 3 cross-media webinar series on **December 6 at 2-3 p.m. Eastern** with a discussion of preventing produced water spills and leaks. Moderated by SGC Co-Chairs Dave Glatt of North Dakota and Martha Rudolph of Colorado, the call will feature Scott Anderson and Dan Mueller of the Environmental Defense Fund and Roy Hartstein of Southwestern Energy. Jim Kenney of U.S. EPA's Office of Enforcement and Compliance Assurance will follow with an announcement of an SGC success story in the area of produced water.

For more information, please contact [Lia Parisien](#) of ECOS. [Parisien]

Webinars

California on Safer Consumer Products

California's Department of Toxic Substances Control (DTSC) will hold a Safer Consumer Products program public workshop on lead-acid batteries and alternatives on **November 6** in Sacramento, California. The event will be broadcast via webinar and will cover the various uses of lead-acid batteries, the regulatory landscape they face, lithium-iron-phosphate batteries as a potential alternative in vehicles, automobile manufacturer perspectives, and issues such as recycling.

This information is being gathered as part of DTSC's work to evaluate whether lead-acid batteries should be listed as a Priority Product under California's Safer Consumer Products regulations. Public comments and questions are welcome.

Register for the [in-person or webinar](#) and download the [agenda](#) and event [announcement](#). [Longworth]

U.S. EPA and the Army Corps on WOTUS by Sector

U.S. EPA and the U.S. Army Corps of Engineers have announced ten teleconferences to hear from stakeholders their recommendations for revising the definition of “Waters of the United States” under the Clean Water Act. The first nine teleconferences will be tailored to specific industries, as follows, and the tenth will be open to the public at large.

The teleconferences will run throughout the fall on **Tuesdays at 1-3 p.m. Eastern** as follows:

- **November 7** scientific organizations and academia;
- **November 14** stormwater, wastewater management and drinking water agencies; and
- **November 21** general public. [Piper]

ECOS and U.S. EPA on Compliance Research Part 5

Part 5 of the Compliance Research Webinar Series entitled *Innovative Approaches to Foster Compliance – the Role of Deterrence* will be held on **November 9 at 1-2:30 p.m. Eastern**.

Dr. Sarah Stafford, a Professor at the College of William and Mary working in Economics, Public Policy, and Law, will present the basic theories of compliance and deterrence and the findings of social science research on what techniques are most effective. She also will present some innovative approaches being used in programs across the U.S. to encourage facilities to increase voluntary compliance and to decrease inadvertent violations.

The Compliance Research Webinar Series, hosted by the National Enforcement Training Institute of the U.S. EPA Office of Enforcement and Compliance Assurance and designed for ECOS and U.S. EPA, helps program administrators understand how collaboration with academics can identify effective and measureable approaches to compliance.

For more information, please contact [Sonia Altieri](#) of ECOS. [Altieri]

ITRC on Long-term Contaminant Management Using Institutional Controls

On **November 14 at 1-3:15 p.m. Eastern**, the Interstate Technology and Regulatory Council (ITRC) will host a free online training on institutional controls (ICs), which are administrative or legal restrictions that provide protection from exposure to contaminants on a site.

After attending the training, participants will be able to describe best practices and evolving trends for IC management at individual sites and across state agency programs; improve IC reliability and prevent IC failures; improve existing, or develop new, IC management programs; identify the pros and cons about differing IC management approaches; and more.

Learn more and register [here](#). [Bodi]

U.S. EPA on Drinking Water Issues

U.S. EPA's Office of Research and Development and the Office of Water host a monthly [webinar series on small drinking water systems](#). Their schedule for the rest of the year is:

- **November 15** - National Stormwater Calculator for Managing Runoff
- **November 28** - Lead in Schools and Selecting Lead Free Fixtures
- **December 12** - Residual Chlorine and Calibration Check for Chlorine Instruments

More information on the small systems webinars, including recordings of past webinars and how to register, is available [here](#). [Hanson]

U.S. EPA ORD on Cyanobacteria Monitoring

U.S. EPA's Office of Research and Development will hold its next monthly Tools and Resources webinar on **November 15 at 3-4 p.m. Eastern**.

The webinar will focus on monitoring cyanobacteria with satellites, highlighting how federal agencies (EPA, NASA, NOAA and USGS) are collaborating to use real-world satellite applications that support environmental management of U.S. lakes by quantifying cyanobacterial harmful algal blooms and related water quality parameters. This webinar will also address provisional satellite derived cyanobacteria data and three software tools available to state environmental and health agencies for review and testing as part of the Cyanobacteria Assessment Network (CyAN).

[Register here](#). [Longworth]

ITRC on PVI: Fundamentals of Screening, Investigation, and Management

On **November 16 at 1-3:15 p.m. Eastern**, the Interstate Technology and Regulatory Council (ITRC) will host a free online training on petroleum vapor intrusion (PVI), the process by which volatile petroleum hydrocarbons released as vapors from light nonaqueous phase liquids, petroleum-contaminated soils, or petroleum-contaminated groundwater migrate through the vadose zone and into overlying buildings.

After attending this training, participants should be able to determine when and how to use the ITRC PVI document at their sites; describe the important role of biodegradation impacts on the PVI pathway (in contrast to chlorinated solvent contaminated sites); value a PVI conceptual site model and list its key components; and more.

Learn more and register [here](#). [Bodi]

NIH on Wildfire Risk Communication and Health Effects

On **November 17 at 1-2 p.m. Eastern**, the National Institutes of Health will host a webinar on the impacts of wildfires on the health of vulnerable individuals and on communities exposed periodically to such events.

The presentations will cover how environmental exposures associated with wildfires affect human health, as well as approaches being used to develop targeted risk communication about wildfires for a variety of audiences.

[Register here](#).



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To: Konkus, John[konkus.john@epa.gov]
From: Jack Gerard, API
Sent: Thur 11/2/2017 1:28:37 PM
Subject: Regulatory Certainty on Ozone Can Protect U.S. Competitiveness

[Click to view this email in a browser](#)



November 2, 2017

Dear John,

The combined emissions of six key air pollutants dropped 73 percent between 1970 and 2016, according to the Environmental Protection Agency's latest annual air quality report, and ground level ozone levels have decreased 17 percent since 2005. All this occurred during a time of significant economic growth, and these are achievements we all can and should be proud of since it is the result of the combined efforts of states, counties and industry to reduce air emissions.

Congress can ensure continued environmental and economic progress by implementing reforms to ozone regulations that eliminate duplicative regulatory requirements. In simple terms, EPA issued new ozone regulations in 2015 before its existing 2008 regulations –*the strictest in history* – had been fully implemented. That is leaving states in the costly position of attempting to comply with two competing sets of ozone regulations.

To understand how important reform is, take a look at the long and varied list of 303 organizations that wrote a letter explaining the economic impact of dueling standards that, in some cases, require states to achieve ozone levels approaching or below naturally occurring levels of ozone. The coalition includes local governments, chambers of commerce, businesses, and associations representing: manufacturers, construction workers, energy producers, dairy farmers, cattlemen, auto dealers, truckers, timber producers, restaurant and hospitality groups, poultry producers, convenience stores, engineers, grocers, retailers, and many others.

Here's what they had to say:

"If implemented, EPA's stringent ozone standards could limit business expansion in many areas of the United States and risk the ability of U.S. companies to create new jobs. The standards add red tape to companies seeking to grow even in areas that can attain those standards. ... Increased costs associated with restrictive and expensive permit requirements could likely deter companies from siting new facilities in a nonattainment area, making the United States a less attractive place to do business and risking shipping jobs overseas."

The fact is, the strict 2008 ozone standards are working and will continue to reduce ozone concentrations. A House-passed bill would help cut the red tape and provide the regulatory certainty that states need to keep reducing ozone emissions without hurting job growth. The Ozone Standards Implementation Act of 2017, approved in the House earlier this year, recognizes ongoing state efforts to improve air quality, would reduce onerous requirements and facilitate the ability of businesses to expand operations and create jobs, while including other reforms that bring more regulatory certainty to federal air quality standards.

With Congress focused on tax reform and other budget issues, ozone regulatory reform fits right in as a policy priority with major economic implications for the entire nation. We urge the

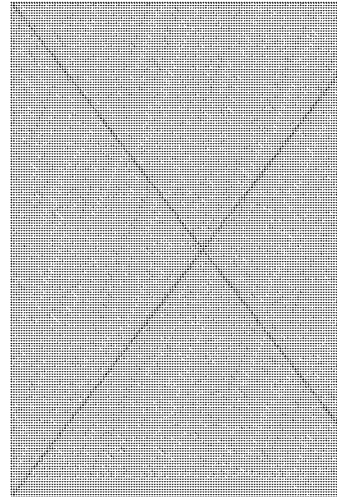
Senate to join the House in passing commonsense ozone regulatory reform.

Sincerely,

Jack N. Gerard
President & CEO
API

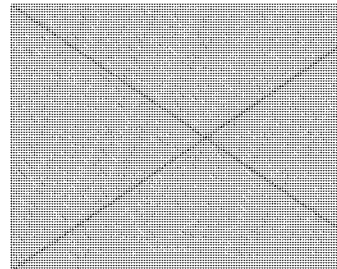
Offshore Development: Safety above All Else

Keeping our workforce safe is just one area of continuously improving safety that the natural gas and oil industry works hard on every day. One area where the industry brings a keen focus is the safety of offshore operations. [Learn more about the regulations, safety practices, technology and environmental management systems](#) that keep offshore production safe.



Follow our Blog to stay up-to-date

To stay up-to-date on the latest energy-related news, there is no better place to check than the [Energy Tomorrow Blog](#).



About API:

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation's energy and are backed by a growing grassroots movement of more than 40 million Americans.

To learn more about API and the value of oil and natural gas, please visit API.org.

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Jack Gerard, API
1220 L Street, NW
Washington, DC 20005
US

.....

To: Bennett, Tate[Bennett.Tate@epa.gov]; Day, Stacy[SDay@USChamber.com]
Cc: Konkus, John[konkus.john@epa.gov]; Van Etten, Megan[MVanEtten@USChamber.com]
From: Bembenek, Lindsay
Sent: Wed 6/7/2017 1:00:03 PM
Subject: RE: EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations

Thank you, Tate. I'm copying Megan here, who is the Chamber's communications point of contact for energy and environment issues.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, June 06, 2017 8:48 PM
To: Day, Stacy; Bembenek, Lindsay
Cc: Konkus, John
Subject: Fwd: EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations

FYI!

Begin forwarded message:

From: "Milbourn, Cathy" <Milbourn.Cathy@epa.gov>
Date: June 6, 2017 at 6:35:34 PM EDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>, "Konkus, John" <konkus.john@epa.gov>
Subject: EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
June 6, 2017

EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations

WASHINGTON – U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt sent a letter to governors today to inform them of EPA's efforts related to the National Ambient Air Quality Standards (NAAQS) for ozone promulgated in October

2015. EPA is extending the deadline for promulgating initial area designations, by one year, for the 2015 ozone NAAQS.

“States have made tremendous progress and significant investment cleaning up the air. We will continue to work with states to ensure they are on a path to compliance,” **said Administrator Scott Pruitt.**

The National Ambient Air Quality Standard (NAAQS) for ground-level ozone is an outdoor air regulation under the Clean Air Act. As part of the process to determine what areas of the country are able to meet the current air quality standards, states are currently submitting their proposals for area designations under the 70 parts per billion (ppb) standard, which was lowered from 75 ppb in 2015. Areas designated as being in “nonattainment” of the standard face consequences, including: increased regulatory burdens, restrictions on infrastructure investment, and increased costs to businesses.

EPA is giving states more time to develop air quality plans and EPA is looking at providing greater flexibility to states as they develop their plans. And, pursuant to the language in the recently-enacted FY2017 Omnibus funding bill, Administrator Pruitt is establishing an Ozone Cooperative Compliance Task Force to develop additional flexibilities for states to comply with the ozone standard.

Additionally, the Agency is taking time to better understand some lingering, complicated issues so that air attainment decisions can be based on the latest and greatest information. This additional time will also provide the agency time to review the 2015 ozone NAAQS, prior to taking this initial implementation step.

Although the new ozone standard was set on October 1, 2015, there remains a host of complex issues that could undermine associated compliance efforts by states and localities. The Agency is evaluating these issues, primarily focused on:

- Fully understanding the role of background ozone levels;
- Appropriately accounting for international transport,
- And, timely consideration of exceptional events demonstrations.

“We share the goal of clean air, a robust economy and stronger, healthier communities. We are committed to working with states and local officials to effectively implement the ozone standard in a manner that is supportive of air quality improvement efforts without interfering with local decisions or impeding economic growth,” **said Administrator Pruitt.**

Since 1980, total emissions of the six principal air pollutants have dropped by 63 percent and ozone levels have declined by 33 percent. Despite the continued improvement of air quality, costs associated with compliance of the ozone NAAQS have significantly increased.

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Adam Piper[apiper@ruleoflawdefensefund.org]
Cc: Bennett, Tate[Bennett.Tate@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Wilcox, Jahan
Sent: Wed 6/7/2017 12:51:30 AM
Subject: Re: AG Paxton Applauds EPA Decision to Delay Ozone Rule Implementation

Great!

Sent from my iPhone

On Jun 6, 2017, at 8:42 PM, Adam Piper <apiper@ruleoflawdefensefund.org> wrote:

FYI. I will continue to forward additional AG reaction releases and clips as I see/receive them.

Get [Outlook for iOS](#)

From: Michael Toth [Ex. 6 - Personal Privacy]
Sent: Tuesday, June 6, 2017 8:38:28 PM
To: Adam Piper
Subject: Fwd: AG Paxton Applauds EPA Decision to Delay Ozone Rule Implementation

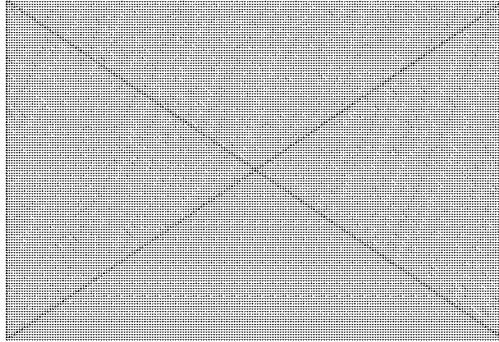
----- Forwarded message -----

From: Toth, Michael <Michael.Toth@oag.texas.gov>
Date: Tue, Jun 6, 2017 at 7:37 PM
Subject: Fwd: AG Paxton Applauds EPA Decision to Delay Ozone Rule Implementation
To: [Ex. 6 - M. Toth personal email]

Sent from my iPhone

Begin forwarded message:

From: "Office of TX Attorney General"
<TXAttorneyGeneral@public.govdelivery.com>
Date: June 6, 2017 at 7:07:34 PM CDT
To: michael.toth@oag.texas.gov
Subject: AG Paxton Applauds EPA Decision to Delay Ozone Rule Implementation
Reply-To: TXAttorneyGeneral@public.govdelivery.com



FOR IMMEDIATE RELEASE

June 6, 2017

www.texasattorneygeneral.gov

PRESS OFFICE: (512) 463-2050

Kayleigh
Lovvorn: Kayleigh.Lovvorn@oag.texas.gov

AG Paxton Applauds EPA Decision to Delay Ozone Rule Implementation

AUSTIN – Texas Attorney General Ken Paxton announced his support of the Environmental Protection Agency’s (EPA) decision to give states more time to comply with the National Ambient Air Quality Standard (NAAQS), an ozone regulation issued in 2015. Administrator Scott Pruitt today sent a letter to governors informing them that the EPA is extending the deadline for promulgating initial area designations for the NAAQS by one year.

The NAAQS for ground-level ozone is an outdoor air regulation under the Clean Air Act. As part of the process to determine what areas of the country are able to meet the current air quality standards, states are currently submitting their proposals for area designations. Areas designated as being in “nonattainment” of the standard face serious consequences, including: increased regulatory burdens, stiff federal penalties, lost highway dollars, restrictions on infrastructure investment, and increased costs to businesses.

Since 1980, total emissions of the six principal air pollutants have dropped by 63 percent and ozone levels have declined by 33 percent. Despite the continued improvement of air quality, costs associated with compliance of the ozone NAAQS have significantly increased.

“I am grateful for the leadership of EPA Administrator Pruitt in courageously pausing the costly and ineffective Ozone Rule, and I’m hopeful that the one year delay will provide time for the EPA to review the detrimental effects the Ozone Rule will have on the Texas economy,” Attorney General Paxton said. “Texas has continually reduced ambient ozone concentrations in the state without stifling the growth of Texas’s industry or population, and looks forward to continuing efforts to improve air quality while bolstering the Texas economy.”

Texas previously challenged this rule on December 28, 2015. In addition to Texas, Arizona, Arkansas, Kentucky, New Mexico, Oklahoma, North Dakota, Utah and Wisconsin have also filed lawsuits against the Ozone Rule.

To view a copy of the letter, click [here](#).

#

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This email was sent to michael.toth@oag.texas.gov using GovDelivery Communications Cloud on behalf of: Office of Texas Attorney General · 300 W. 15th Street · Austin, TX 78701

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Sent from Gmail Mobile

Cc: Brigitte Jacobson; **Ex. 6 - Personal Privacy** Trisha Sheehan Mom for Clean Air[tsheehan@momscleanairforce.org]; Molly Rauch; **Ex. 6 - Personal Privacy** Terry McGuire[tmcguire@earthjustice.org]
To: Konkus, John[konkus.john@epa.gov]
From: Elizabeth Green
Sent: Fri 6/16/2017 1:48:01 AM
Subject: Thank you for meeting with us on Tuesday

Mr. John Konkus,

Thank you for meeting with Moms Clean Air Force-Maryland members this past Tuesday, June 13th. We were part of the group that included public health physicians, faith leaders and other concerned moms that talked about our concerns about air quality. We really appreciate your time.

On our trip from Baltimore Penn Station to Union Station, we met many Americans who voiced their support of clean air. Everyone we met along the way was happy to hear that we were speaking up on this issue and that the EPA agreed to meet with us. Americans know that we all need clean air!

As we discussed, air quality is important especially on hot days. In our **Ex. 6 - Personal Privacy** zip code on Tuesday, the EPA AirNow Air Quality Index indicated the Ozone level ended up going up to 190 - "Unhealthy for Everyone". <https://airnow.gov/index.cfm?action=aqibasics.aqi>. Our kids need clean air when they spend more time outside this summer.

We appreciate all the work that the EPA has done to protect the health and safety of Americans. We look forward to the EPA enforcing the Clean Air Act and implementation of 2015 Ozone Standards. This will show the American public and the international community that America's leadership will continue to protect every American's basic right to breathe clean air.

We attached photos below from our visit.

Thank you again for your time. Please do not hesitate to contact us if we can be of any assistance.

Sincerely,

Elizabeth Green

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

To: Peter Graves[peter@gobigmediainc.com]
Cc: Jess Wilson[jess@gobigmediainc.com]; Letendre, Daisy[letendre.daisy@epa.gov]
From: Konkus, John
Sent: Wed 1/31/2018 8:15:23 PM
Subject: RE: Clean Power Plan
Review of Accomplishments Report DCL JK FINAL (without superfund).docx

Let's do this please Peter and Jess. Take this updated attached document and replace all the text you have in the report with this. Regions will stay the same. We are still working on the Superfund section.

Also, let's have a call tomorrow, Thursday after 12:30pm please.

Thank you.

From: Peter Graves [mailto:peter@gobigmediainc.com]
Sent: Wednesday, January 31, 2018 2:54 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Jess Wilson <jess@gobigmediainc.com>; Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Re: Clean Power Plan

How does tomorrow look for you two?

Peter

On Jan 31, 2018, at 2:52 PM, Konkus, John <konkus.john@epa.gov> wrote:

Maybe we should have a call to review.

From: Peter Graves [mailto:peter@gobigmediainc.com]
Sent: Wednesday, January 31, 2018 2:48 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Jess Wilson <jess@gobigmediainc.com>; Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Re: Clean Power Plan

John are the bolded items here the edits?

Peter

On Jan 31, 2018, at 2:26 PM, Konkus, John <konkus.john@epa.gov> wrote:

Please see attached.

From: Peter Graves [<mailto:peter@gobigmediainc.com>]
Sent: Wednesday, January 31, 2018 11:01 AM
To: Konkus, John <konkus.john@epa.gov>
Cc: Jess Wilson <jess@gobigmediainc.com>; Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Re: Clean Power Plan

We will do our best and update as we get into the edits. Thanks, John.

Peter

On Jan 31, 2018, at 10:41 AM, Konkus, John <konkus.john@epa.gov> wrote:

Our edits are coming to you today. There are a lot. But once you have these, if you could put it in final format so we can have the COS review it before the weekend?

From: Jess Wilson [<mailto:jess@gobigmediainc.com>]
Sent: Tuesday, January 23, 2018 10:45 AM
To: Konkus, John <konkus.john@epa.gov>
Cc: Peter Graves <peter@gobigmediainc.com>; Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Re: Clean Power Plan

Here are all the photos added in.

On Mon, Jan 22, 2018 at 5:00 PM, Konkus, John <konkus.john@epa.gov> wrote:

Link to photos listed by section:

Ex. 6 - Personal Privacy

Thank you!

From: Jess Wilson [mailto:jess@gobigmediainc.com]
Sent: Monday, January 22, 2018 3:45 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Peter Graves <peter@gobigmediainc.com>; Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Re: Clean Power Plan

Updated version attached.

On Mon, Jan 22, 2018 at 2:17 PM, Konkus, John <konkus.john@epa.gov> wrote:

March 28, 2017 – President Trump visited the Environmental Protection Agency to sign an Executive Order on Promoting Energy Independence and Economic Growth.

[Photo(s) of Trump at EPA]

[NYT Front Page]

The Energy Independence Executive Order directs agencies responsible for regulating domestic energy production to submit plans to the White House, which will identify, and propose measures to revise or rescind, regulatory barriers that impede progress towards energy independence. Moreover, the Order rescinds several Obama executive orders and policies related to climate change. It also directs the Administrator of the Environmental Protection Agency and the Secretary of the Interior to review, and if necessary, revise or rescind, several regulations that may place unnecessary, costly burdens on coal-fired electric utilities, coal miners, and oil and gas producers.

“The American people deserve an EPA that works to protect both the environment and enables a growing economy,” said Administrator Pruitt. “Our EPA puts America first. President Trump has a clear vision to create jobs and his vision is completely compatible with a clean and healthy environment. By taking these actions today, the EPA is returning the Agency to its core mission of protecting public health while also being pro-energy independence.”

March 30, 2017 - Fulfilling his promise of cooperative federalism and acting on President Trump’s Energy Independence Executive Order, Environmental Protection Agency (EPA) Administrator Scott Pruitt sent letters to state governors advising them that they are under no obligation to adhere to the Clean Power Plan (CPP) rule.

“The days of coercive federalism are over,” the letter reads. “Accordingly, I look forward to working with you, your state experts and local communities as we develop a path forward to improve our environment and bolster the economy in a manner that is respectful of and consistent with the rule of law.”

May 23, 2017 – EPA Released its Fiscal Year 2018 budget, discontinuing funding of the Clean Power Plan.

October 10, 2017 - EPA Takes Another Step to Advance President Trump's America First Strategy, Proposes Repeal of "Clean Power Plan".

Administrator Scott Pruitt issued a Notice of Proposed Rulemaking (NPRM), proposing to repeal the so-called “Clean Power Plan (CPP).” After reviewing the CPP, EPA has proposed to determine that the Obama-era regulation exceeds the Agency’s statutory authority. Repealing the CPP will also facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources, in keeping with the principles

established in President Trump's Executive Order on Energy Independence.

CPP Appears to be Inconsistent with the Clean Air Act

CPP Repeal Saves up to \$33 Billion in Avoided Costs in 2030

November 28-29, 2017 – EPA Held Public Hearings in West Virginia on the Proposed Repeal of the Clean Power Plan.

[Photo of West Virginia meeting]

December 6, 2017 – EPA Announced Additional Public Listening Session on the Proposed Repeal of the Clean Power Plan.

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Jess Wilson

Director, Graphic Design

Go BIG Media, Inc.

Ex. 6 - Personal Privacy

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Jess Wilson

Director, Graphic Design

Go BIG Media, Inc.

Ex. 6 - Personal Privacy

<Review of Accomplishments Report DCL JK FINAL (all superfund).docx>

**DOCUMENT ED_001650_00061911 WAS WITHHELD IN FULL UNDER EXEMPTION
5, DELIBERATIVE PROCESS**

To: Konkus, John[konkus.john@epa.gov]
Cc: Ben Latham[ben@gobigmediainc.com]; Jess Wilson[jess@gobigmediainc.com]
From: Peter Graves
Sent: Wed 1/3/2018 4:07:43 PM
Subject: Fwd: Region Doc's

[Region 2.docx](#)
[Region 3.docx](#)
[Region 4.docx](#)
[Region 5.docx](#)
[Region 6.docx](#)
[Region 7.docx](#)
[Region 8.docx](#)
[Region 9.docx](#)
[Region 10.docx](#)
[Regions 1.docx](#)

Here are the regions pulled from the tracker.

----- Forwarded message -----

From: Ben Latham <ben@gobigmediainc.com>
Date: Wed, Dec 20, 2017 at 1:33 PM
Subject: Region Doc's
To: Peter Graves <peter@gobigmediainc.com>, Jess Wilson <jess@gobigmediainc.com>

Hey guys,
Here are all of the docs you requested

Ben Latham
Manager, Client Accounts
Go Big Media Inc

**DOCUMENT ED_001650_00061984 WAS WITHHELD IN FULL UNDER EXEMPTION
5, DELIBERATIVE PROCESS**

From: Joseph Bast
Sent: Tue 10/10/2017 11:24:38 PM
Subject: Good news on ground level ozone
[ParrishPetropavlovskikhOltmans17-Oct9-ReversalofLongTermBaselineO3Trend-NAmericanWest.pdf](#)

Willie Soon notes that this good news on the air quality front will probably get no attention from the yellow press, but some of us should let the world know.

John Dunn, who is getting this email, would tell you not to accidentally endorse the false notion that past levels of ozone posed a public health hazard. They were already too low to have a measurable effect. Do not dignify the other side's fake science by saying the public health threat is falling. There is no reliable evidence that ozone at ambient concentrations caused measurable public health effects.

Joe

Reversal of long-term trend in baseline ozone concentrations at the North American west coast

Abstract

Changes in baseline (here understood as representative of continental to hemispheric scales) tropospheric ozone concentrations that have occurred over western North American and eastern North Pacific are analyzed based on data from three measurement records: 1) sites in the U.S. Pacific coast marine boundary layer, 2) an inland, higher altitude site at Lassen Volcanic National Park, CA, and 3) springtime airborne measurements in the free troposphere between 3 and 8 km altitude. **Consistent with previously published results, we find increasing ozone prior to the year 2000, but that rate of increase has slowed and now reversed in these data sets in all seasons. The past ozone increase has been identified as a significant difficulty to overcome in achieving U.S. air quality goals; this difficulty has now eased.** Global models only poorly reproduce the observed baseline ozone and trends; policy guidance from such models must be considered very cautiously.

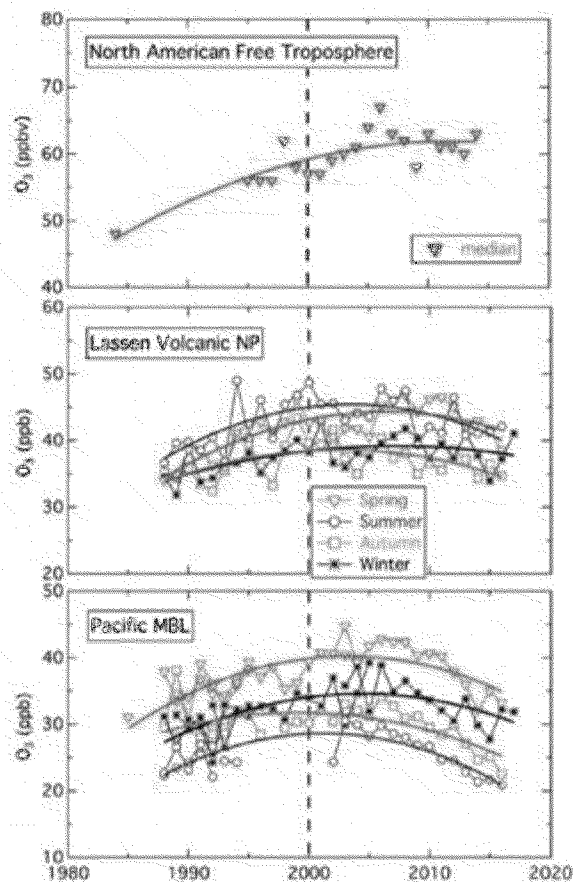


Figure 1. Seasonal O_3 averages measured in the vicinity of the northern U.S. Pacific coast. The solid lines give the least-squares regression of Equation 1 for each seasonal data set described in Section 2. Colors and symbols identify the seasons as indicated in the annotation. Note that the O_3 mixing ratios differ on the three abscissas, but each spans a total range of 40 ppb.

Reversal of longterm trend in baseline ozone concentrations at the North American west coast

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² NOAA ESRL Chemical Sciences Division, 325 Broadway, Boulder, CO, USA

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Corresponding author: David Parrish (david.d.parrish@noaa.gov)

Key Points:

- Over the past decades, a long-term increase in baseline ozone has been observed at the North American west coast; that increase has ended.
- The end of increasing ozone concentrations transported into the U.S. eases one difficulty to meeting the U.S. ozone air quality standard.
- Global models poorly reproduce observed baseline ozone; they do not accurately calculate North American background ozone and its trends.

This article has been accepted for publication and undergone full peer review but has not been through the copyediting, typesetting, pagination and proofreading process which may lead to differences between this version and the Version of Record. Please cite this article as doi: 10.1002/2017GL074960

Abstract

Changes in baseline (here understood as representative of continental to hemispheric scales) tropospheric ozone concentrations that have occurred over western North American and eastern North Pacific are analyzed based on data from three measurement records: 1) sites in the U.S. Pacific coast marine boundary layer, 2) an inland, higher altitude site at Lassen Volcanic National Park, CA, and 3) springtime airborne measurements in the free troposphere between 3 and 8 km altitude. Consistent with previously published results, we find increasing ozone prior to the year 2000, but that rate of increase has slowed and now reversed in these data sets in all seasons. The past ozone increase has been identified as a significant difficulty to overcome in achieving U.S. air quality goals; this difficulty has now eased. Global models only poorly reproduce the observed baseline ozone and trends; policy guidance from such models must be considered very cautiously.

1 Introduction

Ozone is a secondary pollutant that, in the U.S., is subject to control under the 1970 Clean Air Act. In response to increasing evidence for human health effects from ozone at progressively lower concentrations [OAR, EPA, 2014] the National Ambient Air Quality Standard (NAAQS) was lowered to 70 ppb in 2015. Contributions to ambient ozone can be divided into two categories: the concentrations that would exist in the absence of any North American emissions of anthropogenic ozone precursors, which are primarily hydrocarbons and oxides of nitrogen, and the ozone enhancements produced by photochemical processing of the North America anthropogenic emissions of ozone precursors. The former has been called "North American background ozone" [e.g., Fiore *et al.*, 2014]. Transport of ozone into the U.S. provides the majority of North American background ozone, especially in the western U.S. This transported contribution is modified by ozone destruction mechanisms (e.g., deposition to surfaces, especially vegetation) and photochemical production from natural U.S. precursor emissions (e.g., NO_x from lightning and biogenic hydrocarbons from forests). Here we refer to this transported contribution to North American background ozone as "baseline" ozone, which flows into the U.S. from all natural and anthropogenic upwind sources. Baseline ozone mixing ratios can be directly measured at surface sites or airborne platforms along the West Coast in air masses not influenced by recent North American continental influences; it is such measurements that we evaluate in this paper. Cooper *et al.* [2015] thoroughly discuss baseline and background ozone.

An increase in baseline ozone over the past three decades has been identified from measurements along the North American Pacific coast [Jaffe *et al.*, 2003] and further characterized and discussed in several papers [Parrish *et al.*, 2004; 2009; 2012; 2014; Cooper *et al.*, 2010; 2012]. From an air quality perspective, an increase in the transported component of ambient ozone concentrations is of concern because that increase may offset air quality improvements that would otherwise be expected to result from reductions in ozone precursor emissions [e.g., Jacob *et al.*, 1999]. Importantly, preliminary indications of a slowing of the increase, and perhaps reversal of the observed baseline ozone trend were identified and discussed [Parrish *et al.*, 2012; 2014]. An analysis of the ozonesonde record at Trinidad Head on the California coast [Oltmans *et al.*, 2008] also shows that ozone in the 850-700 hPa (1.5-3.0 km altitude) layer peaked in the early 2000s.

Here we reanalyze the measurement records that originally established the past increase in baseline ozone at the U.S. west coast, and include the most recent measurements (early 2017 for two data sets). We show that the past increase has indeed ended, generally in

the early to mid-2000s, and that these baseline ozone mixing ratios have since been decreasing. This marked change in baseline ozone trends is expected to ease the achievement of U.S. air quality goals.

2 Data Sets and Methods

Only very limited data are available for quantifying long-term changes in baseline ozone mixing ratios at the North American west coast. In this work we extend to recent years the three such data sets that have been discussed in several published studies. Sections 2.1–2.3 describe these three data sets, with references given to the previously published analyses; the Supporting Information gives a summary of the measurement dates and sites, and references to the archives where these data are available. Section 2.4 describes the methods employed to quantify the long-term changes in these data sets.

2.1 Pacific marine boundary layer data

A time series of seasonal average ozone mixing ratios in the Pacific marine boundary layer (MBL) at the U.S. west coast was derived from measurements at five coastal sites. The majority of these data were collected at the Trinidad Head California monitoring site operated by the Global Monitoring Division of NOAA's Earth System Research Laboratory beginning in 2002. By including measurements from four other coastal sites [Parrish *et al.*, 2009], these results covered 1988–2006 in all seasons, with springtime 1985 data available from one site [Parrish *et al.*, 1992]. There were no statistically significant differences between seasonal average ozone mixing ratios obtained from separate sites [Parrish *et al.*, 2009], so all seasonal averages were considered as a single time series. This work showed that filtering the measurement data to include only periods of high onshore winds effectively eliminated continental influences that could modify marine ozone mixing ratios. At each site, all hourly data that fell in a selected wind window were averaged to three-month seasonal periods (MAM, JJA, SON and DJF). For this work, we have extended the Pacific MBL data set by calculating seasonal averages of the Trinidad Head ozone data through winter 2017 (i.e. December 2016 and January–February 2017), using the wind filter employed by Parrish *et al.* [2009]. An earlier extension of this data record through 2010 [Parrish *et al.*, 2012; 2014] is identical to that presented here.

2.2 Lassen Volcanic NP data

Lassen Volcanic National Park in California is the only elevated site in western North America that receives relatively undisturbed air inflow from the Pacific Ocean, and where ozone measurements have been made over decadal time scales. Measurements were begun there in 1988. Unfortunately, this site lies approximately 240 km inland from the Pacific coast. Jaffe *et al.* [2003] first analyzed the long-term, seasonal average trends in this data set over the 1988 to 2002 period. They showed that filtering the data to isolate marine air, either based on back trajectory air parcel calculations or wind sector filtering, yielded trends not statistically different from the trends including all hourly data. Parrish *et al.*, [2012] extended this time series through 2010 based on seasonal averages of all hourly data without any filtering, and here we further extend this record in the same manner through winter 2017.

2.3 North American free troposphere data

Cooper *et al.* [2010] compiled springtime (April and May) ozone measurements in the free troposphere (3–8 km altitude) from all available platforms (research and commercial aircraft, ozonesondes, and lidar) over the eastern North Pacific and across western North America. This effort yielded a continuous data record for 1995–2008, with a single earlier year (1984). Cooper *et al.* [2010] compared the trends from the total data set with those

derived from a subset of the data that used a particle dispersion model to filter out data with a recent, strong influence from the North American boundary layer; no statistically significant differences were found between these trends. *Cooper et al.* [2012] extended this data set with no filtering for air mass origin through 2011, and *Lin et al.* [2015] further extended this record through 2014, again with no filtering of the data; this latter data set with temporal coverage through 2014 is considered here. *Cooper et al.* [2010; 2012] analyzed five percentiles of the data; here we consider only the medians to be approximately consistent with the seasonal averages of the Pacific marine boundary layer and Lassen Volcanic NP data sets.

Lin et al. [2015] compared North American free troposphere data set with ozone mixing ratios calculated with the GFDL-AM3 global chemistry-climate model nudged to reanalysis winds. They find that spatial sampling biases in the measurements may have influenced the calculated trends; these sampling biases must be recognized in considering the present results.

2.4 Analysis approach

The conceptual model that is the basis of our analysis assumes that temporal variations of the seasonal averages are driven by two factors. First, there is an underlying, relatively smoothly varying, continuous long-term trend reflecting changes in the sources and sinks of tropospheric ozone (e.g., increasing or decreasing ozone precursor emissions, land-use changes that affect surface deposition, changing climate etc.) and perhaps long-term changes in transport patterns; we will refer to these long-term changes as the trend. Second are more chaotic, shorter duration changes due to interannual to decadal variability in circulation regimes (i.e., internal climate “noise”; see *Lin et al.* [2015] for a discussion). Many studies have used an ordinary linear least-square regression to at least approximately separate these two factors [e.g., *Cooper et al.*, 2010; 2012; *Lin et al.*, 2015; 2017 and references cited therein]. The slope of the linear regression in units of ppb yr⁻¹ is assumed to represent the trend in the data, while the scatter about that regression line is assumed to represent the internal climate noise. An important shortcoming of this approach is that in many cases a linear change only poorly represents the trend. In such a situation the linear regression slope gives an estimate for the average temporal change in the measured ozone mixing ratios over the time span of the measurement record, but the derived line does not accurately describe the trend. Likewise, in such cases the deviations of the measurements from the derived line represent a fraction of the long-term changes, in addition to the climate noise.

We utilize a more general approach to quantify the underlying trends in the temporal series of seasonal average ozone measurements investigated here - a nonlinear least-square regression fit of a polynomial to the series, in this application the quadratic polynomial in Equation 1:

$$[\text{O}_3] = a + bt + ct^2, \quad (1)$$

where a , b , and c are constant coefficients that quantify the underlying long-term trends in the time series. The nonlinear least-square regression fit returns 95% confidence limits for each of the three coefficients.

Equation 1 is a specific realization of a general approach; a polynomial fit to the data is equivalent to deriving a power series expansion of the underlying, relatively smoothly varying, continuous long-term trend. Any function can be fit to any desired precision if enough terms are included in the power series expansion (i.e., if more terms are included in the polynomial of Equation 1). However, the temporal series we are considering have

significant internal climate noise about the trend, which limits the number of statistically significant terms of the power series that can be determined from a finite temporal series. If the absolute value of the final coefficient is larger than its 95% confidence limit, then that term is considered to be statistically significant. In the analyses in this paper, three, and no more than three coefficients that are unambiguously statistically significant can be derived, and these we will discuss.

To most precisely determine the coefficients from the nonlinear regression, the time reference (i.e., the time origin) must be near the center of the data series. Here that reference is selected as the year 2000 (i.e., t in Equation 1 equals year-2000). The first coefficient (a , with units ppb O_3) is the intercept of the fitted curve at this reference time; it gives us information regarding the absolute magnitude of the ozone mixing ratio. The second coefficient (b , with units ppb O_3 yr⁻¹) is the slope of the fitted curve at the reference time; it gives the best estimate the time rate of change of ozone in the year 2000. Finally, the third coefficient (c , with units ppb O_3 yr⁻²) is equal to one-half of the (constant) time rate of change of the slope of the fitted curve. It is important to note that this third term is quite important for quantifying ozone trends; the temporal series of seasonal ozone mixing ratios that we examine here generally have trends with positive slopes in the early parts of the record and negative slopes in the later parts, so that the overall change is small, but nevertheless the trends are statistically significant.

Parrish et al. [2009; 2012; 2014] and *Logan et al.* [2012] utilized identical or closely related approaches to that described above. Most of the trends investigated had three statistically significant coefficients as illustrated in Equation 1, but *Parrish et al.* [2014] showed examples where four or even five polynomial terms were statistically significant.

3 Results

The temporal series of the seasonal average ozone mixing ratios discussed in Section 2 are illustrated in Figure 1, along with the corresponding least-square regression fits to Equation 1. Table 1 gives the coefficients (with 95% confidence limits) derived from these regression fits. Consistent with previous discussions of the long-term increase in baseline ozone at the North American west coast [*Jaffe et al.*, 2003; *Parrish et al.*, 2004; 2009; 2012; 2014; *Cooper et al.*, 2010; 2012], the positive b coefficients indicate that the derived long-term trends were increasing in year 2000 (except for autumn in the Pacific MBL). The c coefficients are all negative and statistically significant, indicating that, on average, the slopes of the long-term trends have been decreasing in all seasons over the period of the data records. *Parrish et al.* [2012] also investigated regression fits of Equation 1 to these data sets, and the coefficients they derived are generally statistically consistent with those reported here in Table 1, but the confidence limits were significantly larger due to the shorter data records (only through 2010) available at that time. Consistent with the results in Table 1, *Parrish et al.* [2012] nearly always found negative c coefficients in all seasons in all data sets, but most were not statistically significantly different from zero (see figures in Supplementary Material of *Parrish et al.* [2012]). It is now clear that trends in seasonal average baseline ozone mixing ratios at the U.S. west coast are not well approximated by constant linear changes. The time rate of change of these series of ozone mixing ratios (i.e., the slopes) have been decreasing at an approximately constant rate, so that a majority of these temporal ozone mixing ratio series reached maxima and are now decreasing.

Equation 1 can be manipulated to solve for the year that the maximum of the continuous long-term seasonal average ozone mixing ratio was reached, and that year can be

calculated by substituting the coefficient values from Table 1. These years are included in the table for each season and data set; Figure 2 compares the resulting ozone maxima for each season and data set. In the Pacific MBL and at Lassen Volcanic NP the best estimates for the years of the maxima fall between 1999 and 2008, with the same sequence of seasonal maxima (autumn first, followed in order by summer, spring and winter). Although the maxima appear to occur later at Lassen Volcanic NP than in the Pacific MBL, the maxima agree within the 95 percent confidence interval for the differences between the two sites. The best estimate of the year of the maximum of the springtime North American free troposphere data set (2012) is later than the spring maxima of the other two data sets, but this difference is not statistically significant due to the large confidence limits of the North American free troposphere maximum.

The two additional statistics included in Table 1 give indications of the internal climate "noise" superimposed on the long-term trends. The root-mean-square-deviation (RMSD) of the individual seasonal averages from the fits to Equation 1 shows that the internal climate "noise" accounts for 1.8 to 2.8 ppb scatter about the fits. We also calculate the square of the correlation coefficient (r^2) for the linear regressions between the seasonal averages calculated from the respective polynomial fits and those measured. These r^2 values approximate the fraction of the variability in each seasonal time series that is captured by those polynomial fits; these values are between 0.3 and 0.7.

4 Discussion and Conclusions

Reducing the Nation's emissions of ozone precursors is the only effective tool available to improve local and regional air quality over the U.S. Emission reduction efforts over multiple decades have yielded dramatic improvement in ozone air quality [e.g., *Parrish and Stockwell*, 2015], but many regions still do not meet the NAAQS. The extent of further reductions necessary for a given region to reach the standard is not quantitatively known, but the reversal of the long-term increase in baseline ozone entering the U.S. from the Pacific will certainly ease the difficulty of achieving further reductions in ozone concentrations. Here we have shown that this reversal has occurred, but we have not established its cause. Recent analyses of satellite data [*Liu et al.*, 2017] indicate that the decades-long increase in NO_x emissions in China has ended, and that those emissions are now decreasing; this emission change may be at least partially responsible for the observed baseline ozone decrease.

Most published characterizations of the absolute mixing ratios and trends of North American background ozone rely on calculations by global models [e.g., *Fiore et al.*, 2014; *Lin et al.*, 2015; 2017]. Unfortunately, global models only poorly reproduce observed baseline ozone [*Parrish et al.*, 2014; *Derwent et al.*, 2016], so the accuracy of North American background ozone mixing ratios calculated by such models must be considered cautiously. *Fiore et al.* [2014] and *Lin et al.* [2015; 2017] used the GFDL-AM3 chemistry-climate model nudged to re-analysis winds to provide the most extensive characterization of background ozone over the U.S. *Parrish et al.* [2014] investigated the GFDL-CM3 global model, which is closely related to the GFDL-AM3 model, except that it utilizes free-running meteorology. Here, it is informative to revisit the performance of the GFDL-CM3 model for the three data sets considered above; Figure S1 and Table S1 of the Supporting information summarize the model results in the same format as that for the observations illustrated in

Figure 1 and Table 1 above. Large differences between the observed and modeled baseline ozone mixing ratios and trends are apparent. The a parameters (reflecting absolute ozone mixing ratios in the year 2000) for the model results are 11 to 18 ppb (i.e. 21 to 64%) higher than for the observations. *Lin et al.* [2012] discuss a similar bias in the GFDL-AM3 with nudged meteorology. Positive biases of similar magnitude are also seen in other global models [e.g., *Yan et al.*, 2016]. *Derwent et al.* [2016] discuss the biases in annual average ozone at Trinidad Head (the primary MBL site considered in this work) for the 14 chemistry-climate models that participated in the Atmospheric Chemistry Coupled Climate Model Intercomparison Project (ACCMIP). To our knowledge, the cause(s) of these biases remain undiagnosed.

Current state-of-the-art chemistry-climate models also greatly underestimate the rate of change of the slope of the temporal trends of baseline ozone (reflected by the c parameters) [*Parrish et al.*, 2014]. Model results give much smaller (generally by a factor of ~ 5) values for this parameter compared to observations. The rapid change of the slopes of the temporal trends in the observations, but not in the model results, can potentially confound any comparison of linear trends between model results and observations. The b parameters (equal to the temporal trend slope in the year 2000) do allow a direct comparison; these parameters are generally smaller for the model results than found in the observations (deltas of -0.39 to 0.08 ppb yr^{-1} with only autumn in the Pacific MBL exhibiting a model slope higher than the observational result). Slope comparisons for other years or time periods must carefully consider the differing rate of change of these slopes between models and observations. *Parrish et al.* [2014] and *Staehelin et al.* [2017] find that model results capture only $\sim 50\%$ of baseline ozone changes observed over the five decades before the year 2000. This finding is consistent with the closely related finding that the ACCMIP models fail to reproduce pre-industrial observations [*Stevenson et al.*, 2013]. The model results do agree with the observations that maxima have or will be reached in the baseline ozone mixing ratios in all seasons in all data sets. However, as expected from the model-measurement differences in the derived b and c parameters, the years of the maxima differ between the models and the observations, with the model maxima 7 years earlier to 6 years later, except in winter when the model predicted maxima are much later (~ 30 years) than observed. It is clear that the GFDL-CM3 global model with free running meteorology only poorly describes baseline ozone mixing ratios and their trends at the North American west coast. Since this baseline ozone is the dominant contributor to North American background ozone, at least in the western U.S., these global models cannot be expected to accurately calculate North American background ozone and its trends in this region.

Lin et al. [2012; 2015; 2017] used the GFDL-AM3 model to quantify the internal climate “noise”, and to examine its influence on trend determinations. This model with nudged meteorology does reproduce much of the variability about the long-term trends quantified in the observational record. For example, *Lin et al.* [2015] find that a large fraction (of the variance in observational data sets is due to internal climate “noise”, rather than the long-term trends. The r^2 values given in Table 1 provide an estimate of the fraction of the total variability in the respective data sets due to the long-term trends (i.e., 29 to 69%), which leaves a large fraction of the variability to be accounted for by internal climate “noise” or other causes. *Lin et al.* [2015] also argue that the airborne data that comprise the North American free troposphere data set discussed here, overestimate the magnitude of the long-term changes in springtime free troposphere ozone due to spatial sampling biases combined with interannual variability in transport regimes. These issues may account for the apparently steeper increase in the North American free troposphere data in Figure 1 compared to the two surface measurement data sets. As more years of data are added to the springtime free

troposphere ozone record, these uncertainties are expected to decrease. A notable feature of Figure 1 is that in spring in the free troposphere and at Lassen Volcanic NP the ozone decrease has been slower to begin than in other data sets. This is even clearer at Lassen Volcanic NP if only April and May (the two months included in the free troposphere data set) are considered. *Gratz et al.* [2014] report a trend analysis for April-May, 2004-2013 ozone at an additional site representative of the free troposphere (Mt. Bachelor Observatory in Oregon). This relatively short data record exhibits larger internal climate “noise” than the other data sets, and does not yet indicate that a maximum has been reached in springtime baseline ozone mixing ratios. We have analyzed these data for all seasons through two additional years (to 2015) using the same approach discussed in Section 2.4; the results are statistically consistent (within their large confidence limits) with the analysis of seasonal ozone trends discussed in this work.

Acknowledgments and Data

The authors acknowledge support from NOAA’s Atmospheric Chemistry and Climate Program. The National Park Service provided the recent Lassen NP ozone data (<https://www.nature.nps.gov/air/monitoring/network.cfm>). We are grateful to Dan Jaffe for providing us with the Mt. Bachelor Observatory ozone data. All of the data utilized in this paper are available from public archives that are referenced in this paper, or from the authors of papers referenced herein. Disclosure: David Parrish also works as an atmospheric chemistry consultant ([David D. Parrish, LLC](#)); he has had contracts funded by several state and federal agencies, although they did not support the work reported in this paper.

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Table 1. Coefficients of the regressions of the measured seasonal average time series to Equation 1, root-mean-square deviation (RMSD), and the year of the maximum of the fits shown in Figure 1. Also included are the squares of the correlation coefficients between the measurements and the regression fits.

Season	a (ppb)	b (ppb yr ⁻¹)	c (ppb yr ⁻²)	RMSD (ppb)	r^2	year _{max}
Pacific marine boundary layer						
spring	39.9 ± 1.1	0.21 ± 0.09	-0.033 ± 0.012	2.4	0.55	2003 ± 2
summer	28.6 ± 1.3	0.09 ± 0.08	-0.035 ± 0.012	1.8	0.63	2001 ± 1
autumn	31.7 ± 1.1	-0.04 ± 0.09	-0.023 ± 0.012	2.2	0.36	1999 ± 2
winter	34.1 ± 1.3	0.24 ± 0.11	-0.027 ± 0.013	2.7	0.40	2004 ± 3
Lassen Volcanic NP						
spring	43.1 ± 1.2	0.37 ± 0.11	-0.029 ± 0.013	2.2	0.65	2006 ± 3
summer	45.0 ± 1.6	0.23 ± 0.14	-0.034 ± 0.017	2.8	0.43	2003 ± 3
autumn	38.5 ± 1.3	0.12 ± 0.12	-0.022 ± 0.014	2.3	0.29	2003 ± 2
winter	38.4 ± 1.2	0.20 ± 0.11	-0.014 ± 0.012	2.2	0.34	2007 ± 4
North American free troposphere (median)						
April, May	59.2 ± 1.5	0.45 ± 0.15	-0.019 ± 0.015	2.4	0.69	2012 ± 11

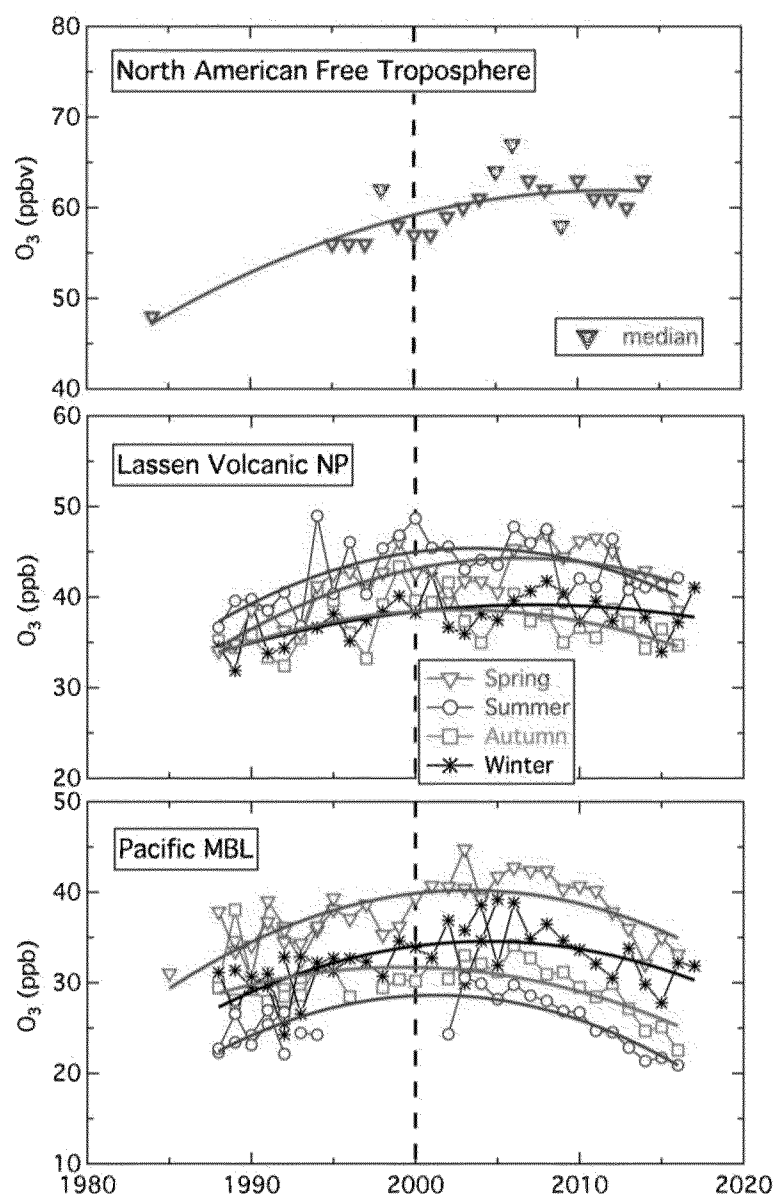


Figure 1. Seasonal O_3 averages measured in the vicinity of the northern U.S Pacific coast. The solid lines give the least-squares regression of Equation 1 for each seasonal data set described in Section 2. Colors and symbols identify the seasons as indicated in the annotation. Note that the O_3 mixing ratios differ on the three abscissas, but each spans a total range of 40 ppb.

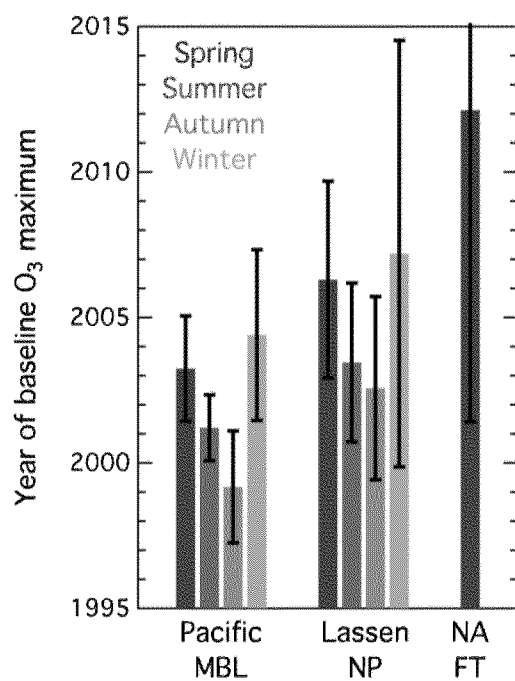


Figure 2. Year of maximum seasonal average baseline O₃ mixing ratios in each of the three North American data sets. Error bars give 95% confidence intervals for these determinations.

To: Konkus, John[konkus.john@epa.gov]
Cc: Peter Graves[peter@gobigmediainc.com]; Letendre, Daisy[letendre.daisy@epa.gov]
From: Jess Wilson
Sent: Tue 1/23/2018 3:44:55 PM
Subject: Re: Clean Power Plan
12-08-17 EPA Year in Review 2017 2.pdf

Here are all the photos added in.

On Mon, Jan 22, 2018 at 5:00 PM, Konkus, John <konkus.john@epa.gov> wrote:

Link to photos listed by section:

Ex. 6 - Personal Privacy

Thank you!

From: Jess Wilson [mailto:jess@gobigmediainc.com]
Sent: Monday, January 22, 2018 3:45 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Peter Graves <peter@gobigmediainc.com>; Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Re: Clean Power Plan

Updated version attached.

On Mon, Jan 22, 2018 at 2:17 PM, Konkus, John <konkus.john@epa.gov> wrote:

March 28, 2017 – President Trump visited the Environmental Protection Agency to sign an Executive Order on Promoting Energy Independence and Economic Growth.

[Photo(s) of Trump at EPA]

[NYT Front Page]

The Energy Independence Executive Order directs agencies responsible for regulating domestic energy production to submit plans to the White House, which will identify,

and propose measures to revise or rescind, regulatory barriers that impede progress towards energy independence. Moreover, the Order rescinds several Obama executive orders and policies related to climate change. It also directs the Administrator of the Environmental Protection Agency and the Secretary of the Interior to review, and if necessary, revise or rescind, several regulations that may place unnecessary, costly burdens on coal-fired electric utilities, coal miners, and oil and gas producers.

“The American people deserve an EPA that works to protect both the environment and enables a growing economy,” said Administrator Pruitt. “Our EPA puts America first. President Trump has a clear vision to create jobs and his vision is completely compatible with a clean and healthy environment. By taking these actions today, the EPA is returning the Agency to its core mission of protecting public health while also being pro-energy independence.”

March 30, 2017 - Fulfilling his promise of cooperative federalism and acting on President Trump’s Energy Independence Executive Order, Environmental Protection Agency (EPA) Administrator Scott Pruitt sent letters to state governors advising them that they are under no obligation to adhere to the Clean Power Plan (CPP) rule.

“The days of coercive federalism are over,” the letter reads. “Accordingly, I look forward to working with you, your state experts and local communities as we develop a path forward to improve our environment and bolster the economy in a manner that is respectful of and consistent with the rule of law.”

May 23, 2017 – EPA Released its Fiscal Year 2018 budget, discontinuing funding of the Clean Power Plan.

October 10, 2017 - EPA Takes Another Step to Advance President Trump's America First Strategy, Proposes Repeal of "Clean Power Plan".

Administrator Scott Pruitt issued a Notice of Proposed Rulemaking (NPRM), proposing to repeal the so-called “Clean Power Plan (CPP).” After reviewing the CPP, EPA has proposed to determine that the Obama-era regulation exceeds the Agency’s statutory authority. Repealing the CPP will also facilitate the development of U.S.

energy resources and reduce unnecessary regulatory burdens associated with the development of those resources, in keeping with the principles established in President Trump's Executive Order on Energy Independence.

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[Photo of West Virginia meeting]

December 6, 2017 – EPA Announced Additional Public Listening Session on the Proposed Repeal of the Clean Power Plan.

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Jess Wilson

Director, Graphic Design

Go BIG Media, Inc.

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Jess Wilson

Director, Graphic Design

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To: Konkus, John[konkus.john@epa.gov]
Cc: Peter Graves[Peter@gobigmediainc.com]; Ben Latham[ben@gobigmediainc.com]
From: Jess Wilson
Sent: Sun 1/14/2018 2:29:30 AM
Subject: EPA Project Update
12-08-17 EPA Year in Review 2017 2.pdf

Hello everyone,
Here's the latest 2017 Review draft with the chapter outlines added. We're at 154 pages currently.

Thanks!

--

Jess Wilson
Director, Graphic Design
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To: Konkus, John[konkus.john@epa.gov]
From: Jack Gerard, API
Sent: Thur 1/4/2018 2:27:24 PM
Subject: Energy Policy New Year's Resolutions for Washington

[Click to view this email in a browser](#)



January 4, 2018

Dear John,

In passing [tax reform](#) last month, Congress and the Trump administration set a course toward greater economic growth and increased U.S. competitiveness. Policymakers can continue on that path in 2018 by taking action to advance U.S. energy development – one of the [major drivers of job growth and economic benefits](#) for consumers.

Expand Energy Access: Natural gas and oil development is essential to the U.S. economy, supporting 10.3 million jobs across a range of industries and reducing costs for homes and businesses. And there's more where that came from. Accessing the [wealth of energy resources](#) located in offshore areas could generate hundreds of thousands of jobs and lead to production gains of more than a million barrels of oil equivalent per day – further reducing dependence on overseas energy. The Trump administration's new plan for [offshore development](#) could provide a welcome opportunity to bring [safe energy development](#) to new offshore areas.

Keep Competitive Electricity Markets: Natural gas is now the leading source for U.S. electricity generation, and its benefits are wide-ranging. Its [reliability, affordability and environmental benefits](#) (helping [reduce carbon dioxide emissions](#) in the power sector to near 30-year lows) have made it a fuel of choice for power plant operators. Proposals to alter electricity markets in ways that favor some fuel sources over others could disrupt the free-market competition that has worked so well for consumers. By maintaining a level playing field in electricity markets, policymakers in Washington and at the state level can protect consumers and ensure affordable, reliable and safe electricity for homes and businesses.

Capitalize on Energy Infrastructure Opportunities: Congress and the White House have pledged to make infrastructure a priority in 2018, and [energy infrastructure](#) offers exactly the job-creating, economy-strengthening opportunity they're looking for. Building [pipelines](#) and other infrastructure to keep pace with growing production could support up to 1,047,000 jobs each year on average through 2035 via shovel-ready projects that are not reliant on taxpayer dollars. Eighty-one percent of American voters support expanding U.S. energy infrastructure – making it an economic and political winner.

Cut Red Tape: States are currently saddled with the costly burden of complying with two [dueling sets of ozone standards](#) even though ground level ozone levels have decreased 17 percent since 2000. Legislation passed by the House would help provide regulatory certainty for states and businesses of all sizes while continuing to reduce ozone precursor emissions. Getting this sensible policy across the finish line should be a priority this year. Ethanol policy is also due for a rewrite. Without reform, the outdated [Renewable Fuel Standard](#) – which adds more ethanol to the nation's fuel supply each year, without fully taking market demand into account – threatens to [cause engine damage and raise consumer costs](#). The RFS was mandated a decade ago to reduce costs and reliance on foreign energy – two goals since achieved by the U.S. energy revolution. It's time to acknowledge current realities and repeal or

significantly reform the RFS.

Not only do pro-energy policies make good economic sense, they receive bipartisan support. Eighty percent of U.S. voters support increased domestic oil and natural gas production. As Congress and the Trump administration set priorities for 2018, pro-economy, pro-consumer energy policies should be on the short list.

Sincerely,

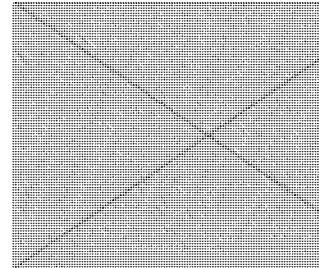
Jack N. Gerard
President & CEO
API

Offshore Energy: Safe Development for a Secure Energy Future

The natural gas and oil industry has the experience and advanced technology to safely develop the nation's offshore reserves, and we've worked together with regulators to make offshore development safer than ever. [Learn more about the importance of offshore energy to future U.S. energy security, and the steps we've taken to keep offshore development safe.](#)

Follow our Blog to stay up-to-date

To stay up-to-date on the latest energy-related news, there is no better place to check than the [Energy Tomorrow Blog](#).



About API:

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation's energy and are backed by a growing grassroots movement of more than 40 million Americans.

To learn more about API and the value of oil and natural gas, please visit [API.org](#).

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Jack Gerard, API
1220 L Street, NW
Washington, DC 20005
US

.....

To: Konkus, John[konkus.john@epa.gov]
Cc: Peter Graves[peter@gobigmediainc.com]; Letendre, Daisy[letendre.daisy@epa.gov]
From: Jess Wilson
Sent: Mon 1/22/2018 8:45:01 PM
Subject: Re: Clean Power Plan
12-08-17 EPA Year in Review 2017 2.pdf

Updated version attached.

On Mon, Jan 22, 2018 at 2:17 PM, Konkus, John <konkus.john@epa.gov> wrote:

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[Photo(s) of Trump at EPA]

[NYT Front Page]

The Energy Independence Executive Order directs agencies responsible for regulating domestic energy production to submit plans to the White House, which will identify, and propose measures to revise or rescind, regulatory barriers that impede progress towards energy independence. Moreover, the Order rescinds several Obama executive orders and policies related to climate change. It also directs the Administrator of the Environmental Protection Agency and the Secretary of the Interior to review, and if necessary, revise or rescind, several regulations that may place unnecessary, costly burdens on coal-fired electric utilities, coal miners, and oil and gas producers.

“The American people deserve an EPA that works to protect both the environment and enables a growing economy,” said Administrator Pruitt. “Our EPA puts America first. President Trump has a clear vision to create jobs and his vision is completely compatible with a clean and healthy environment. By taking these actions today, the EPA is returning the Agency to its core mission of protecting public health while also being pro-energy independence.”

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[Photo of West Virginia meeting]

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Proposed Repeal of the Clean Power Plan.**

--

Jess Wilson
Director, Graphic Design
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To: Konkus, John[konkus.john@epa.gov]
Cc: Peter Graves[peter@gobigmediainc.com]; Letendre, Daisy[letendre.daisy@epa.gov]
From: Jess Wilson
Sent: Mon 1/22/2018 3:09:44 PM
Subject: Re: FW: Newest PDF
12-08-17 EPA Year in Review 2017 2.pdf

Attached is the latest version with the region 6 hurricane language added.

On Fri, Jan 19, 2018 at 5:40 PM, Konkus, John <konkus.john@epa.gov> wrote:

Jess: Looping in Daisy on the updated draft (attached) that you sent earlier. Also attached is the final part for the disaster section in word format, rather than an excel chart.

From: Jess Wilson [mailto:jess@gobigmediainc.com]
Sent: Friday, January 19, 2018 3:20 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Peter Graves <Peter@gobigmediainc.com>
Subject: Newest PDF

Hey all,

Here's the latest version. I went ahead and added the fuel economy text you send over to the current section, but if you need the old text deleted just let me know.

Also, we still don't have a cover photo worked out. Let me know if you all had one in mind.

Thanks!

--

Jess Wilson

Director, Graphic Design

Go BIG Media, Inc.

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Jess Wilson

Director, Graphic Design
Go BIG Media, Inc.

Ex. 6 - Personal Privacy

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To: Jess Wilson[jess@gobigmediainc.com]; Peter Graves[peter@gobigmediainc.com]
Cc: Letendre, Daisy[letendre.daisy@epa.gov]
From: Konkus, John
Sent: Fri 1/19/2018 10:40:16 PM
Subject: FW: Newest PDF
12-08-17 EPA Year in Review 2017 2.pdf
Region 6 hurricane response.docx

Jess: Looping in Daisy on the updated draft (attached) that you sent earlier. Also attached is the final part for the disaster section in word format, rather than an excel chart.

From: Jess Wilson [mailto:jess@gobigmediainc.com]
Sent: Friday, January 19, 2018 3:20 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Peter Graves <Peter@gobigmediainc.com>
Subject: Newest PDF

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Thanks!

--

Jess Wilson

Director, Graphic Design

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**DOCUMENT ED_001650_00062180 WAS WITHHELD IN FULL UNDER EXEMPTION
5, DELIBERATIVE PROCESS**

To: 'Byers, Dan'[DByers@USChamber.com]
From: Konkus, John
Sent: Wed 10/25/2017 4:04:54 PM
Subject: Background
EO-13783-final-report-2017-oct_25.pdf
2017-10-25 DRAFT EPA EO 13783 release DF.docx

Dan per your call see attached. This has NOT been released yet, but will be later today.

EPA RELEASES ENERGY INDEPENDENCE REPORT

"We can be both pro-jobs and pro-environment," – EPA Administrator Scott Pruitt

WASHINGTON - Today, the U.S. Environmental Protection Agency (EPA) released its final report on how EPA, under Administrator Scott Pruitt's leadership, is implementing President Trump's Executive Order 13783 to curb regulatory burdens in order to promote energy production and economic growth – while protecting human health and the environment.

"EPA is committed to President Trump's agenda," **said EPA Administrator Scott Pruitt.** "We can be both pro-jobs and pro-environment. At EPA, that means we are working to curb unnecessary and duplicative regulatory burdens that do not serve the American people – while continuing to partner with states, tribes and stakeholders to protect our air, land, and water."

EPA released its final report in accordance with President Donald Trump's Executive Order (EO) 13783. Notably, the report provides a look at how EPA is working to curb regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation while protecting human health and the environment.

The report discusses nine EPA actions on energy-related regulations covered by EO 13783. It further includes the following four initiatives EPA plans in undertaking to implement this order:

1. **New Source Review reform (NSR)** – EPA is establishing an NSR Reform Task Force to review and simplify the NSR application and permit process.
2. **National Ambient Air Quality Standards (NAAQS) reform** – EPA plans to use the newly formed Ozone Cooperative Compliance Task Force to review administrative options to meaningfully improve air quality as it relates to ozone. EPA will also work to streamline the approval of state air pollution plans, and eliminate EPA's backlog of state pollution plans.
3. **Robust Evaluations of the Employment Effects of EPA regulations** – Regulations impose high costs on American workers, particularly in the energy sector. Five environmental statutes state that EPA conduct continuing evaluations of potential shifts in employment that may result from implementation of these statutes. The Agency historically has not conducted these assessments. EPA intends to conduct these evaluations consistent with the statutes.
4. **Reestablishing the Smart Sectors Program** – EPA recently relaunched the Smart Sectors program to re-examine how it engages with American businesses to reduce unnecessary regulatory burdens, while protecting human health and the environment. (www.epa.gov/smartsectors).

Background

On March 28, 2017, President Trump signed Executive Order (EO) 13783 promoting clean and

safe development of the United States' vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.

To that end, Section 2 of EO 13783 required an immediate review of all agency actions that potentially burden the safe, efficient development of domestic energy resources. Section 2 required the heads of agencies to *review all existing regulations, orders, guidance documents, policies, and any other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.*

Section 2 also required agencies to submit a plan on how the agency will carry out the review. For those agencies that submitted a plan, the agency was required to submit a draft final report to OMB and EOP offices within 120 days (by July 26, 2017). The EOP offices provided recommendations to the agencies to ensure the final reports that reflect the policies laid out in EO 13783.

Final reports were to be finalized within 180 days (by September 24, 2017) unless the OMB Director, in consultation with the other EOP officials, extend the deadline.

To assist agencies in the development of the EO 13783 reports, OMB developed guidance¹ on May 8, 2017 providing additional direction to agencies. OMB directed Agencies to provide a number of pieces of information in the agency final reports and to publish the final report on the agency website and in the *Federal Register*.

###

¹ M-17-24, "Guidance for Section 2 of Executive Order 13783, Title 'Promoting Energy Independence and Economic Growth,'" May 8, 2017.

U.S. Environmental Protection Agency

Final Report on Review of Agency Actions that Potentially Burden
the Safe, Efficient Development of Domestic Energy Resources
Under Executive Order 13783



October 25, 2017

Environmental Protection Agency
Final Report on Review of Agency Actions that Potentially Burden the Safe, Efficient
Development of Domestic Energy Resources Under Executive Order 13783

Executive Summary

On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth. The Executive Order establishes a national policy to promote the clean and safe development of domestic energy resources while avoiding unnecessary regulatory burdens. It directs federal agencies to “review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, “agency actions”) that potentially burden the development or use of domestically produced energy resources[.]”¹ The Executive Order also orders the U.S. Environmental Protection Agency (EPA) to review specific rules. As part of E.O. 13783, agencies are to develop a report detailing this review that includes recommendations for reducing unnecessary regulatory burdens.

Through implementation of environmental statutes such as the Clean Air Act and Clean Water Act, EPA promulgates regulations that may affect domestic energy use and resources. Under Administrator E. Scott Pruitt’s leadership, EPA is working to fulfill its critical mission while ensuring regulations are consistent with underlying laws and policies. Implementation of E.O. 13783 and other presidential directives related to regulatory reform plays an important role in this effort.

In order to identify priority areas and specific regulations for potential repeal, replacement, or modification pursuant to E.O. 13783, EPA has coordinated its review with other Administration initiatives, such as the Presidential Memorandum on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing,² and E.O. 13777 on Enforcing the Regulatory Reform Agenda.³ Notably, Administrator Pruitt established a Regulatory Reform Task Force (RRTF) pursuant to E.O. 13777, which has also served to lead implementation of the Section 2 review required under E.O. 13783.⁴

EPA issued a request for public comments to inform the RRTF on April 11, 2017.⁵ As a result of this outreach, EPA received over 460,000 public comments, including a record-breaking number of 63,346 individual responses. Additionally, EPA program offices conducted nearly a dozen public

¹ 82 Fed. Reg. 16093 (Mar. 28, 2017).

² 82 Fed. Reg. 8667 (Jan. 30, 2017).

³ 82 Fed. Reg. 12285 (Mar. 1, 2017).

⁴ Memorandum from E. Scott Pruitt, Adm’r, U.S. Env’tl Protection Agency, to Acting Deputy Adm’r, U.S. Env’tl Protection Agency (Apr. 19, 2017) available at <https://epa.gov/laws-regulations/epa-implementation-executive-order-13783-promoting-energy-independence-and-economic>

⁵ EPA-HQ-OA-2017-0190 available at <https://www.regulations.gov/document?D=EPA-HQ-OA-2017-0190-0001>.

meetings in April and May to hear directly from stakeholders on EPA regulations and opportunities for reform.⁶

Many of the public comments centered on specific rulemakings and/or specific provisions of rulemakings that may unduly burden domestic energy production and use. Through this robust public feedback, the RRTF identified recurrent themes regarding EPA's energy-related regulations. These general themes included a need for streamlining complex permitting programs, restoring EPA's co-regulatory relationship with the states, increasing transparency pertaining to the economic impact of agency actions, and enhancing EPA's understanding of the entities it regulates.

In an effort to meet the requirements of E.O. 13783, EPA identified four key initiatives that it believes will further the goal of reducing unnecessary burdens on the development and use of domestic energy resources. These initiatives include: (1) comprehensive New Source Review reform, (2) National Ambient Air Quality Standards (NAAQS) reform, (3) robust evaluations of the employment effects of EPA regulations, and (4) a sector-based outreach program. Furthermore, the appendix of this report includes summaries of actions that EPA has already taken on rules identified for review, either specifically or generally, in E.O. 13783. Together, these efforts will help advance the Administrator's vision for EPA while fulfilling the President's goal of promoting domestic energy production and use.

I. New Source Review Reform

The Clean Air Act (CAA) establishes a number of permitting programs designed to reduce air pollution, primarily through the use of pollution control technology. New Source Review (NSR) is a preconstruction permitting program intended to ensure that new and modified stationary sources of air pollution do not significantly degrade air quality. NSR permits are legal documents that establish site-specific requirements that facility owners/operators must observe. The permit specifies what construction is allowed, what emission limits must be met, and often how the emissions source may be operated. There are three types of NSR permits: (1) Prevention of Significant Deterioration (PSD) permits (CAA Title I, Part C), which are required for new major sources or a major source making a major modification in an area that is in attainment with NAAQS air-quality standards; (2) Nonattainment NSR (NNSR) permits (CAA Title I, Part D), which are required for new major sources or major sources making a major modification in a nonattainment area; and (3) Minor source permits (CAA § 110(a)(2)(C)).

The potential costs, complexity, and delays that may arise from the NSR permitting process can slow the construction of domestic energy exploration, production, or transmission facilities that must undergo review. In some circumstances, the NSR process discourages the construction of new

⁶ See <https://www.epa.gov/laws-regulations/regulatory-reform#Public>.

facilities or modifications of existing ones that could result in greater environmental improvements. Such reactions to the NSR process slows the growth of domestic energy resources and raise energy costs, among other impacts.

Numerous public comments in response to the request for comments on E.O. 13777, and the Presidential Memorandum on Streamlining Permitting, raised concerns with the NSR program's impact on domestic energy resources. Commenters noted that the NSR permitting process is unduly lengthy and complex. Commenters further stated that the NSR application and construction costs are exceedingly high, to the point of discouraging industry from modernizing facilities for fear of triggering NSR obligations.

Several commenters suggested that EPA should defer to state decisions on the applicability of NSR requirements and other source-specific permitting decisions. Commenters also raised concerns about the availability and cost of emissions offsets in nonattainment areas, and about whether costs will increase as various NAAQS are revised.

Commenters recommended reforms to allow the purchase of offsets from outside a nonattainment area, and inter-pollutant trading. Commenters also urged EPA to better promote and facilitate use of Plant-wide Applicability Limitations, which generally can allow domestic energy production facilities to modify equipment and operations without concerns of triggering NSR requirements. Finally, recommendations included reviewing the debottlenecking rule and re-proposing it to address NSR requirements for modifying sources.

The above comments represent just some of the issues raised in public comments related to NSR. Accordingly, EPA believes opportunities exist to simplify the NSR application and permit process; to review ways to reduce the length of the permitting process; to review burdens created by the current emissions offsets structure; to improve relationships with the states; and to review the "once in, always in" policy to clarify the means by which a facility currently classified as a major source can become an area source.

To address these important areas and achieve meaningful NSR reform, Administrator Pruitt intends to convene an NSR Reform Task Force, details of which will be announced in a forthcoming agency memorandum.

II. National Ambient Air Quality Standards (NAAQS) Reform

Pursuant to the CAA, EPA sets NAAQS for six criteria pollutants: ozone, nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter (PM₁₀ and PM_{2.5}), carbon monoxide (CO), and lead. In setting the NAAQS, EPA establishes primary standards to protect public health and secondary

standards to protect public welfare. EPA must review and, if appropriate, revise each NAAQS every five years.

After EPA sets a new NAAQS or revises an existing standard for each criteria air pollutant, the CAA requires EPA to determine if areas meet the new standard. Based on monitoring data or modeling, states and tribes submit recommendations to EPA on whether an area meets NAAQS for a criteria pollutant. After reviewing the recommendations and the available information, EPA “designates” an area as attainment or nonattainment (or unclassifiable) for the standard. States develop State Implementation Plans (SIPs) demonstrating that the state has the basic required elements of an air quality program (so-called “infrastructure SIPs” or “i-SIPs”) and identifying emissions control requirements the state will rely upon to attain and/or maintain the primary and secondary NAAQS (“attainment” and “maintenance” SIPs).

NAAQS requirements, and revision of the NAAQS standards, have the potential to impact all facilities that emit a NAAQS pollutant or its precursor substances, including those facilities that generate energy from, oil, and natural gas. These facilities can be impacted whether they are in attainment areas or nonattainment areas. As a result, facilities face burdens including higher costs, greater uncertainties in making future plans, and a potential facility closure that not only impacts employment, but also affects communities that rely on the facility.

In response to EPA’s request for comments on E.O. 13777, commenters raised concerns with the stringency of some NAAQS, as well as the short review time between revisions. Each new or revised NAAQS requires a host of rules, guidance, and technical support documents for use by state, local, and tribal regulators, as well as industry. The increased frequency of NAAQS revisions results in overlapping requirements that must be implemented in short time spans. Planned and permitted facilities are subject to significant uncertainty, making it difficult to anticipate future air quality improvement requirements and restricting economic growth. Frequent NAAQS revisions may further require that states modify their SIPs before previous standards can be fully implemented, and can also result in permitting delays for new facilities as new air quality assessments are conducted.

Other comments focused on NAAQS implementation issues. Commenters requested that EPA develop implementation guidance that corresponds with NAAQS rulemaking in a timely manner. They recommended that implementation guidance and the various other regulatory and analytic tools be available and final at the time the new or revised NAAQS are promulgated, and not years later, as has repeatedly occurred in recent years. Moreover, uncertainty and delays in guidance and implementation requirements may needlessly obstruct energy expansion and modernization of existing facilities.

Concerns were further expressed regarding the unnecessary burden arising from the development and revision of SIPs, and the chronic backlog of federal SIP approvals. At the end of fiscal year 2016,

EPA had a backlog of 322 SIPs.⁷ Commenters noted that many state SIP submittals remain without EPA action for years, and that the process for developing, submitting and approving SIPs is inefficient and outdated. Commenters also noted that EPA will second-guess state permitting decisions, affecting state control of the process and introducing delays and financial risks for companies seeking permits. Comments further recommended EPA defer to state authorities for source-specific decisions and, therefore, readjust its focus to overarching guidance and policy.

Commenters additionally questioned specific NAAQS – particularly the 2015 ozone standard – which approach background concentrations in some regions. Other commenters articulated concerns regarding monitoring and modeling issues, international and long-range ozone transport, stratospheric ozone intrusions, and exceptional events.

EPA received recommendations to revise the exceptional events rule and associated guidance to allow for greater state flexibility in flagging and excluding exceptional events in the data set used to determine compliance with NAAQS. Exceptional events are unusual or naturally occurring actions that can affect air quality, but are not reasonably controllable using techniques that may be implemented to attain and maintain NAAQS. Exceptional events include wildfires, stratospheric ozone intrusions, and volcanic and seismic activities.

To review the issues related to the ozone NAAQS, the Administrator formed the Ozone Cooperative Compliance Task Force. Among its priorities, the Task Force is reviewing administrative options to enable states to enter into cooperative agreements with EPA to provide regulatory relief and meaningfully improve ozone air quality. Moreover, EPA plans to work to streamline SIP approvals through a nationally consistent process that includes setting performance targets, and better monitoring progress on SIP reviews. EPA further plans to work to eliminate the SIP backlog.

III. Employment Evaluations

Regulatory costs impose tremendous burdens on American businesses, employees, and consumers – particularly within the energy sector. In its *2015 Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act*, the Office of Management and Budget estimated that the total annual cost of EPA regulations from October 1, 2004 through September 30, 2014 stood between \$37.6 and \$45.4 billion (2010\$).⁸ These costs may impact business development and expansion, as well as capital investment and employment patterns.

⁷ *Fiscal Year 2018 Justification of Appropriation Estimates for the Committee on Appropriations*, U.S. ENVTL PROTECTION AGENCY, EPA-190-K-17-002 (May 2017) available at <https://www.epa.gov/sites/production/files/2017-06/documents/fy18-cj-14-program-performance.pdf>

⁸ OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT, *2015 Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act* (2015), available at https://obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/2015_cb/2015-cost-benefit-report.pdf.

In the CAA,⁹ the Clean Water Act,¹⁰ the Toxic Substance and Control Act,¹¹ Solid Waste Disposal Act,¹² and the Comprehensive Environmental Response, Compensation, and Liability Act,¹³ Congress expressed its intent that EPA conduct continuing evaluations of potential losses or shifts of employment that may result from implementation of these statutes.¹⁴ However, the Agency historically has not conducted these assessments. EPA acknowledges the importance of considering the cumulative effects of its regulations on the American public. Accordingly, EPA intends to conduct these evaluations consistent with the statutes.

IV. Smart Sectors

To accomplish the goals of E.O. 13783, EPA acknowledges that it must work to develop better relationships with the regulated community to close information gaps through informal means. Engaging these stakeholders in a collaborative manner to understand technological advancements or to coordinate on regulatory developments could reduce conflicts that complicate the rulemaking process.

Accordingly, EPA recently announced its *Smart Sectors* program to re-examine how it engages with industry to reduce unnecessary regulatory burdens, improve regulatory forecasting and predictability, and improve the ability of both EPA and industry to conduct long-term regulatory planning while also improving the environment and public health.¹⁵ EPA initially identified thirteen sectors to work with, including ones directly related to oil and gas, utilities, mining, power generation, and the automotive industry.

The *Smart Sectors* program designates staff-level points of contact who are highly knowledgeable about specific industries. These individuals will act as liaisons among industry trade associations and companies, EPA program and regional offices, state and local governments, and other stakeholder groups. The sector liaisons will focus their attention on three main areas: building relationships and improving customer service to sectors; developing additional expertise in each industry's operations and environmental performance; and informing the planning of future policy, regulations, and Agency processes.

EPA anticipates that participating industries will benefit from coordinated, cooperative, and constructive problem-solving with government. The Agency will invite participating industries to

⁹ 42 U.S.C. §7621.

¹⁰ 33 U.S.C. §1367.

¹¹ 15 U.S.C. §2622.

¹² 42 U.S.C. §7001(e).

¹³ 42 U.S.C. §9610.

¹⁴ 42 U.S.C. §7621(a); 33 USC §1367(e); 42 U.S.C. §700142 U.S.C. §9610(e).

¹⁵ See <https://www.epa.gov/smartsectors>.

engage in active dialogue and offer their own innovative ideas to reduce environmental impacts. Beginning in January 2018, EPA plans to release monthly updates on its *Smart Sectors* website with data and other information.

Conclusion

Multiple ways exist for EPA to protect the environment and public health while supporting the President's policy to promote economic growth and energy independence. The four key initiatives identified herein will advance the goal of reducing unnecessary regulatory burdens on the development and use of domestic energy resources in accordance with E.O. 13783. These initiatives also illustrate meaningful progress towards fulfilling Administrator Pruitt's efforts to satisfy EPA's core mission through increased transparency, public participation, and cooperative federalism.

APPENDIX

This appendix includes summaries of the actions that EPA has taken on (1) rules that were identified specifically for review in E.O. 13783; and (2) other energy-related rules identified for review by EPA pursuant to E.O. 13783.

I. Rules Identified Specifically in E.O. 13783

A. Clean Power Plan and Related Rules

E.O. 13783 Section 4 addresses the Clean Power Plan and related rules that affect the electric utility sector, particularly utilities' fossil fuel-fired power plants – i.e., primarily coal and natural gas. EPA initiated a review of the two identified final rules and withdrew a proposed rule.

1. Carbon Emission Guidelines for Existing Stationary Sources (Clean Power Plan)

On October 23, 2015, EPA issued a final rule, “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units” (Clean Power Plan or CPP).¹⁶ This rule established the first-ever standards for states to follow in developing plans to reduce greenhouse gas (GHG) emissions from existing fossil fuel-fired electric generating units (EGUs). Affected domestic energy resources include oil, natural gas, and coal.

On February 9, 2016, the U.S. Supreme Court issued an unprecedented stay of the CPP implementation pending judicial review.¹⁷ Following a full briefing on the merits, oral argument was held before the D.C. Circuit, sitting *en banc*, on September 27, 2016. The case is currently pending in the D.C. Circuit.

Pursuant to E.O. 13783, on March 28, 2017, Administrator Pruitt signed a notice to review this final rule.¹⁸ On March 28, 2017, the Department of Justice requested that the D.C. Circuit hold in abeyance the litigation regarding the CPP. On April 28, 2017, the D.C. Circuit ordered the litigation regarding the CPP be held in abeyance for 60 days.¹⁹ On May 15, 2017, the Department of Justice submitted a supplemental brief to the Court urging the Court to continue to hold the cases in abeyance while EPA conducts its review of the CPP.²⁰ On June 6, 2017, EPA submitted a CPP proposal to OMB.²¹ On August 8, 2017, the D.C. Circuit ordered litigation be held in abeyance for an additional

¹⁶ 80 Fed. Reg. 64661 (Oct. 23, 2015).

¹⁷ *West Virginia v. EPA*, U.S., No. 15A773 (Feb. 9, 2016).

¹⁸ 82 Fed. Reg. 16329 (Apr. 4, 2017).

¹⁹ *West Virginia v. EPA*, D.C. Cir. *en banc*, No. 1673071 (Apr. 28, 2017).

²⁰ *West Virginia v. EPA*, D.C. Cir. *en banc*, No. 1675243 (May 15, 2017).

²¹ <https://www.reginfo.gov/>

60 days.²² On October 10, 2017, Administrator Pruitt signed a Notice of Proposed Rulemaking proposing to repeal the CPP.²³ The public comment period closes on December 15, 2017. On October 10, 2017, EPA also submitted an advanced notice of proposed rulemaking, State Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units, to OMB.²⁴

2. Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources

On October 23, 2015, EPA issued a final rule, “Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units.”²⁵ This rule established standards for emissions of carbon dioxide (CO₂) for newly constructed, modified, and reconstructed affected fossil fuel-fired EGUs. Affected domestic energy resources include oil, natural gas, and coal.

Pursuant to E.O. 13783, on March 28, 2017, Administrator Pruitt signed a notice to review the final rule.²⁶ On March 28, 2017, the Department of Justice requested that the D.C. Circuit hold in abeyance the litigation regarding the rule, including the scheduled April 17, 2017, oral arguments.²⁷ On March 30, 2017, the D.C. Circuit granted the request to hold the litigation in abeyance.²⁸

3. Federal Plan/Model Trading/Framework Rule

On October 23, 2015, in connection with the CPP, EPA published a proposed rule, “Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; Proposed Rule.”²⁹ This rule proposed (1) a Federal plan to implement the CPP emission guidelines, (2) model trading rules to aid implementation of the guidelines, and (3) amendments to the existing framework regulations implementing CAA §111(d). Affected domestic energy resources include oil, natural gas, and coal.

Pursuant to E.O. 13783, on March 28, 2017, Administrator Pruitt signed a notice withdrawing these proposed rules.³⁰ The notice also included the withdrawal of the proposed design details of the Clean Energy Incentive Program (CEIP) under the CPP.³¹

²² *West Virginia v. EPA*, D.C. Cir. *en banc*, No. 1687838 (Aug. 8, 2017).

²³ 80 Fed. Reg. 48035 (Oct. 16, 2017).

²⁴ <https://www.reginfo.gov/>

²⁵ 80 Fed. Reg. 64509 (Oct. 23, 2015).

²⁶ 82 Fed. Reg. 16330 (Apr. 4, 2017).

²⁷ *North Dakota v. EPA*, D.C. Cir., No. 1668276 (Mar. 28, 2017).

²⁸ *North Dakota v. EPA*, D.C. Cir., No. 1668612 (Mar. 30, 2017).

²⁹ 80 Fed. Reg. 64966 (Oct. 23, 2015).

³⁰ 82 Fed. Reg. 16141 (April 3, 2017).

³¹ 81 Fed. Reg. 42940 (June 30, 2016).

B. Methane Emissions Standards for Oil and Natural Gas Sector

On June 3, 2016, EPA issued a final rule, “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources.”³² This rule included amendments to the existing standards for the oil and natural gas source category (subpart OOOO) and set first-time standards for both GHGs (specifically methane) and volatile organic compounds (VOC) (subpart OOOOa).

Pursuant to E.O. 13783, on March 28, 2017, Administrator Pruitt signed a notice to review the final rule.³³ On April 7, 2017, the Department of Justice requested that the D.C. Circuit hold in abeyance the litigation regarding the oil and gas methane rule, including the scheduled oral arguments.³⁴ On May 18, 2017, the D.C. Circuit granted the request to hold the litigation in abeyance until EPA has completed its review and reconsideration of the 2016 rule.³⁵

On April 18, 2017, Administrator Pruitt signed a letter that announced EPA’s intent to convene a proceeding for reconsideration of the following objections relative to the fugitive emissions requirements: (1) the applicability of the fugitive emissions requirements to low production well sites, and (2) the process and criteria for requesting and receiving approval for the use of an alternative means of emission limitations (AMEL) for purposes of compliance with the fugitive emissions requirements in the 2016 rule.³⁶ On May 26, 2017, Administrator Pruitt signed a notice of reconsideration related to (1) the requirements for certification of closed vent system by a professional engineer, and (2) the well site pneumatic pump standards, and a partial stay of the rule requirements pending reconsideration.³⁷

On June 12, 2017, Administrator Pruitt signed a proposed rulemaking for a three-month stay³⁸ and a separate notice proposing a two-year stay.³⁹ EPA currently has supplemental notices to these proposals under OMB interagency review.^{40, 41}

II. Other Energy-Related Rules Identified by EPA

³² 81 Fed. Reg. 35824 (June 3, 2016).

³³ 82 Fed. Reg. 16331 (Apr. 4, 2017).

³⁴ *API v. EPA*, No. 13-1108 (and consolidated cases), D.C. Cir., No. 1670157 (Apr. 7, 2017).

³⁵ *API v. EPA*, No. 13-1108 (and consolidated cases), D.C. Cir., No. 1675813 (May 18, 2017).

³⁶ EPA Administrator E. Scott Pruitt, letter to API et al. (Apr. 18, 2017).

³⁷ 82 Fed. Reg. 25734 (June 5, 2017). Note that the D.C. Circuit vacated the 90 day stay on July 3, 2017. The court also emphasized that nothing in its opinion limits EPA’s authority to reconsider the oil and gas standards and to proceed with its June 16, 2017 proposed two-year stays of certain requirements in the rule.

³⁸ 82 Fed. Reg. 27641 (June 16, 2017).

³⁹ 82 Fed. Reg. 27645 (June 16, 2017).

⁴⁰ <https://www.reginfo.gov/>

⁴¹ <https://www.reginfo.gov/>

As noted previously, the Administration has initiated several regulatory reform efforts, allowing EPA to leverage the ideas and information collected from those efforts to support and focus its activities to alleviate unnecessary burdens on the domestic energy sector. Public input has been received in response to both the Department of Commerce's request for information (RFI) regarding the Presidential Memorandum Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing,⁴² and EPA's request for comment pursuant to E.O. 13777 in order to identify regulations that may be appropriate for repeal, replacement, or modification. EPA has screened each docket for comments with substantive, specific suggestions to remove regulatory burdens on the development or use of domestic energy resources. As part of this effort, the RRTF has identified the following additional energy-related actions EPA has taken:

A. Oil and Gas Information Collection Request

On November 10, 2016, EPA sent an information collection request (ICR) to more than 15,000 owners and operators in the oil and gas industry, requiring them to provide information on equipment inventories and methane emissions. This ICR conducted pursuant to CAA §114 was to assist the Agency in developing emissions standards for existing oil and gas facilities pursuant to CAA §111(d).⁴³

On March 2, 2017, Administrator Pruitt withdrew the ICR.⁴⁴ The withdrawal will allow EPA to assess the need for the information that the Agency was collecting through these requests, and reduce burdens on businesses while the Agency assesses such need. EPA estimated the burden of the information collection to be 284,751 hours, costing \$42,453,050. Due to some facilities submitting responses to the ICR prior to the withdrawal, EPA estimated that the withdrawal saved approximately \$37 million in reporting burden. Affected domestic energy resources include oil and natural gas.

B. Mid-Term Evaluation for Light-Duty Vehicle Greenhouse Gas Emissions Standards

In 2012, EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) set GHG emissions and Corporate Average Fuel Economy (CAFE) standards for model year (MY) 2017 and beyond for light-duty vehicles.⁴⁵ The 2012 joint rulemaking included a regulatory requirement for EPA to conduct a Mid-Term Evaluation (MTE) of the GHG standards established for MY 2022-2025 to assess whether the standards were appropriate no later

⁴² The RFI resulted in 170 comments. Most EPA-relevant comments focused on air permitting programs (e.g. NSR, Title V, SSM, etc.).

⁴³ EPA ICR No. 2548.01.

⁴⁴ 82 Fed. Reg. 12817 (Mar. 7, 2017).

⁴⁵ 77 Fed. Reg. 62624 (Oct. 15, 2012).

than April 1, 2018. On January 12, 2017, EPA issued, “Final Determination on the Appropriateness of the Model Year 2022-2025 Light-duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation.”⁴⁶ This action determined that the GHG emission standards for MY 2022-2025 light-duty vehicles were appropriate.

On March 15, 2017, Administrator Pruitt and Department of Transportation Secretary Elaine Chao announced that they intended to reconsider the final determination in order to allow for additional consultation and coordination, to ensure that the record is based on the best available data, and consistent with the schedule prescribed by the 2012 regulation. A formal notice of reconsideration was published in the Federal Register on March 22, 2017.⁴⁷ On August 21, 2017, EPA and DOT issued a request for public comment on its reconsideration of the Final Determination and invited stakeholders to provide any relevant comments, data, and information to inform the reconsideration.⁴⁸

In accordance with the schedule set forth in EPA’s regulations, the Agency intends to make a new Final Determination regarding the appropriateness of the MY 2022-2025 Light-duty Vehicle GHG Emissions Standards no later than April 1, 2018.

C. Steam Electric Effluent Limitations Guidelines

On November 3, 2015, EPA issued a final rule “Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category.”⁴⁹ This rule contained limitations and standards on various wastestreams at steam electric power plants: fly ash transport water, bottom ash transport water, flue gas mercury control wastewater, flue gas desulfurization (FGD) wastewater, gasification wastewater, and combustion residual leachate. This action affects domestic coal resources.

EPA received seven petitions for review of the 2015 Steam Electric ELG rule. On December 8, 2015, the United States Judicial Panel on Multi-District Litigation issued an order consolidating all of the petitions in the U.S. Court of Appeals for the Fifth Circuit.⁵⁰

On April 11, 2017, the Administrator sent a letter to each state governor notifying them of the Agency’s intent to consider postponing compliance dates as well as petitions for reconsideration of the final rule.⁵¹ On April 12, 2017, the Administrator announced EPA’s decision to reconsider the

⁴⁶ 81 Fed. Reg. 87927 (Jan. 12, 2017).

⁴⁷ 82 Fed. Reg. 14671 (Mar. 22, 2017).

⁴⁸ 82 Fed. Reg. 39551 (Aug. 21, 2017).

⁴⁹ 80 Fed. Reg. 67838 (Nov. 3, 2015).

⁵⁰ *Southwestern Electric Power Co., et al. v. EPA*, 5th Cir. (Dec. 8, 2015).

⁵¹ EPA Administrator E. Scott Pruitt, letter to Virginia Governor Terry McAuliffe (Apr. 11, 2017).

final rule and, using authority under the Administrative Procedure Act §705, to postpone compliance dates that have not yet passed pending judicial review.⁵² On September 18, 2017, EPA issued a final rule postponing compliance deadlines relating to FGD wastewater and bottom ash transport water from November 1, 2018, to November 1, 2020, while the Agency reconsiders those wastestreams in the 2015 rule.⁵³

D. Coal Combustion Residuals

On April 17, 2015, EPA issued a final rule, “Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals From Electric Utilities; Final Rule.”⁵⁴ This rule establishes minimum national criteria under subtitle D of the Resource Conservation and Recovery Act (RCRA) for Coal Combustion Residuals (CCR) landfills and surface impoundments at active coal-fired power plants. This action affects domestic coal resources.

Subsequent to the promulgation of the 2015 CCR rule, various environmental and industry groups submitted to the D.C. Circuit seven separate petitions for review, which have been consolidated into a single action. On June 14, 2016, the D.C. Circuit remanded with vacatur to EPA specific provisions of the rule for further consideration.⁵⁵ EPA is planning to issue a proposal to address those rule provisions by the end of 2017.⁵⁶

On December 16, 2016, the President signed the Water Infrastructure Improvements for the Nation (WIIN) Act,⁵⁷ which included language giving state agencies the authority to implement and enforce coal ash regulations under the 2015 CCR Final rule through EPA-approved state permit programs. The WIIN Act also gives EPA the authority to regulate coal ash in states that choose not to implement state permitting programs and in states whose permitting programs are determined to be inadequate by EPA. EPA has direct implementing authority in Indian country.

On April 28, 2017, Administrator E. Scott Pruitt sent letters informing states that EPA was working on guidance for implementing state permitting programs under WIIN that allow flexibility in individual permits to manage the safe disposal of CCR. On August 15, 2017, EPA issued Interim Final Guidance for State CCR Permit Programs.⁵⁸ On September 14, 2017, EPA announced its intent

⁵² 82 Fed. Reg. 19005 (Apr. 25, 2017).

⁵³ 82 Fed. Reg. 43494 (Sept. 18, 2017).

⁵⁴ 80 Fed. Reg. 21302 (Apr. 17, 2015).

⁵⁵ *Utility Solid Waste Activities Group v. EPA*, D.C. Cir. (June 14, 2016).

⁵⁶ <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201704&RIN=2050AG88>.

⁵⁷ P.L. 114-322.

⁵⁸ 82 Fed. Reg. 38685 (Aug. 15, 2017).

to reconsider several substantive provisions of the rule, as part of its rulemaking pursuant to the D.C. Circuit remand.⁵⁹

E. Waters of the United States

On June 29, 2015, EPA issued a final rule, “Clean Water Rule: Definition of ‘Waters of the United States’” (WOTUS).⁶⁰ The WOTUS rule is a definitional rule that affects the scope of the “waters of the United States;” it does not establish any regulatory requirements or directly mandate actions on its own. However, by changing the definition of the “waters of the United States,” the rule changes the waters where other regulatory requirements that affect regulated entities come into play (i.e., the locations where regulated entities would be required to obtain certain types of permits). As a result, this action would have had wide-ranging effects on domestic energy production and use, including the permitting of oil, gas, coal, and renewable development sites, and the transmission and distribution of electricity.

Due to concerns about the potential for regulatory uncertainty, as well as the scope and legal authority of the 2015 WOTUS rule, 31 states and a number of other parties sought judicial review in multiple actions. On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 WOTUS rule nationwide pending further action of the court.⁶¹

On February 28, 2017, President Trump signed E.O. 13778 – Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule, which directed EPA and the U.S. Army Corp of Engineers to review the 2015 WOTUS rule.⁶²

On June 27, 2017, EPA and the Army Corps signed a proposed rulemaking to repeal the 2015 WOTUS rule.⁶³ As indicated in the proposed withdrawal, the agencies are implementing E.O. 13778 in two steps to provide as much certainty as possible as quickly as possible to the regulated community and the public during the development of the ultimate replacement rule. In Step 1, the agencies are taking action to establish the legal status quo in the Code of Federal Regulations, by re-codifying the regulation that was in place prior to issuance of the 2015 rule. In Step 2, the agencies plan to propose a new definition that would replace the approach in the 2015 rule.

EPA has initiated programmatic staff workgroups to recodify the regulation that was in place prior to the 2015 WOTUS rule and consider a new definition that would replace the approach in the

⁵⁹ EPA Press Release, “EPA to Reconsider Certain Coal Ash Rule Provisions” (Sept. 14, 2017).

⁶⁰ 80 Fed. Reg. 37054 (June 29, 2015).

⁶¹ *Ohio v. U.S. Army Corps of Eng’rs.*, 6th Cir. (Oct. 9, 2015).

⁶² 82 Fed. Reg. 12497 (Mar. 3, 2017).

⁶³ 82 Fed. Reg. 34899 (July 27, 2017) (NPRM).

WOTUS rule with one that reflects the principles that Justice Scalia outlines in the *Rapanos* plurality opinion.

To: Nick Comer[nick.comer@ekpc.coop]
From: Konkus, John
Sent: Wed 5/10/2017 9:12:15 PM
Subject: Points
2017-04-21 EPA in Action-DRAFT 5pm for WH.docx

John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: Ex. 6 - Personal Privacy

EPA IN ACTION: ACCOMPLISHMENTS WITH PRUITT'S LEADERSHIP

Updated April 21, 2017

- ✓ **TSCA Implementation:** Clearing the backlog of new chemicals that were waiting for approval from EPA, so they can go to market, and companies can create jobs and continue to innovate.
- ✓ **New Source Performance Standards:** Reviewing the New Source Performance Standards for coal-fired power plants, which prevents companies from building new plants.
- ✓ **Oil and Gas Methane NSPS:** EPA announced a decision to reconsider the Oil and Gas Methane New Source Performance Standards for new and modified sources, delaying a costly compliance requirement.
- ✓ **CPP:** Reviewing the so-called Clean Power Plan that threatens over 125,000 U.S. jobs.
- ✓ **Ozone Standard:** Requested delay of oral arguments on the ozone standard.
- ✓ **ELG Rule:** EPA announced the agency's decision to review and reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule), which costs an estimated \$480 million annually, and about \$1.2 billion per year in the first five years of compliance.
- ✓ **Hard Rock Mining:** EPA extended the comment period on the Hard Rock Mining proposed rule that could cost American businesses \$171 million annually.
- ✓ **Coal Combustion Residuals (CCR Rule):** EPA expects provide draft guidance to the states on the CCR rule at the end of the month and begin acting on state permit applications this year. CCR rule is estimated to cost power plants between \$500 and \$745 million – per year.
- ✓ **Energy Independence EO:** Following the President's Energy Independence Executive Order, Administrator Pruitt signed three notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules the last Administration issued.
- ✓ **CAFE Standards:** EPA rescinded an unjustified, premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards. According to the Auto Alliance, "no agency has ever set emission limits so far into the future," and this puts 1.1 million jobs at risk and cost the industry \$200 billion by 2025 to comply.
- ✓ **WOTUS:** EPA is restoring states' important role in the regulation of water by reviewing the "Waters of the U.S." or WOTUS. A rule with a regulatory impact analysis of between \$600 million and \$1.2 billion.
- ✓ **Flint, Michigan:** The Agency is allocating funds for vital environmental projects that go directly to the health of our citizens, such as providing \$100 million to upgrade drinking water infrastructure in Flint, Michigan.
- ✓ **Chlorpyrifos:** EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was seeking a ban on a pesticides used on 40,000 farms and 50 different crops because there was never enough science to justify the ban.
- ✓ **Methane ICR:** We are stopping the methane ICR by telling businesses they no longer have this additional bureaucratic burden, with the cost to American businesses attempting to comply exceeding \$42 million.
- ✓ **Regulatory Reform:** Launched the EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions from the past administration.
- ✓ **Risk Management Rule (RMP Rule):** EPA delayed the RMP rule to make sure that any additional regulations actually make chemical facilities safer, without duplicating regulations or

opening our country up to dangerous national security threats. EPA estimates the RMP rule to cost \$131.8 million annually, or \$1.3 billion over ten years.

- ✓ **Superfund Sites:** We are getting real results at cleaning up Superfund sites, including: East Chicago (IN), West Oakland (CA) and Pompton Lake (NJ). First EPA Administrator to visit East Chicago site.
- ✓ **Water Infrastructure:** Opened the application process for EPA's WIFIA program; a low-risk loan for businesses that will provide \$1 billion in credit to finance over \$2 billion in water infrastructure investments.
- ✓ **Meetings with National/International Leaders:** EPA Administrator Scott Pruitt has consulted 22 bipartisan governors, 10 bipartisan members of congress, three foreign leaders, four state agriculture departments, and over a dozen bipartisan organizations.
- ✓ **EPA Originalism:** EPA Administrator Pruitt launched a *Back-to-Basics* agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated "Superfund" site in E. Chicago, to discuss how EPA is refocusing the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local and tribal partners.
- ✓ **MATS Rule:** Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it complies with our statutory mandate, abides by sound regulatory principles, and is in line with the pro-jobs, pro-growth directives of this Administration.
- ✓ **Clean Air Act/SSM SIP:** Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans, or the Start-up, Shutdown and Malfunction (SSM) Emissions requirements set by State Implementation Plans (SIP) issued pursuant to the Clean Air Act and subject to EPA's federal oversight.

EPA ACCOMPLISHMENTS: THE DETAILS

TSCA Reform Implementation: Clearing out the backlog of 'new chemical' pre-manufacture notices (PMNs) that were waiting for EPA approval. Keeps U.S. at the top of chemical innovation

- PMNs awaiting a decision by EPA date back to 2015 – well beyond the basic 90-day review period required by the law.
- The American Chemistry Council (ACC) said they need new chemicals to be approved quickly so they can "offer new product formulations to help U.S. businesses compete and win globally."
- ACC estimates that innovation contributes to 0.19 percentage points to the overall long-term growth rate in real GDP. A one-tenth acceleration in the growth of the stock of chemistry innovation, could result in real GDP being \$60.6 billion higher in four years, supporting about 250,000 jobs.

NSPS: EPA is reviewing the New Source Performance Standards for Coal-Fired Power Plants.

- Industry and states challenged the legality of NSPS targeting the EPA's assumptions about carbon capture and sequestration (CCS) technology
- Challengers argue that NSPS makes it nearly impossible to build a new coal-fired power plant without CCS technology, restraining the industry from adding jobs and growth.
- The American Iron and Steel Institute (AISI) applauded action to revise burdensome regulations that undermine the competitiveness of U.S. steel manufacturers. AISI said that regulations such

as NSPS “disproportionately impact coal-generated electricity have put the affordability and reliability of electricity for steel producers at risk.”

EPA is also reviewing the Oil and Gas Methane New Source Performance Standards for new and modified sources. Some argue that this rule is wholly unnecessary due to industry reductions in methane and is duplicative of state regulations.

- A notice of review was signed the same day as the Energy Independence Executive Order.
- As a follow-up, EPA issued a notice of reconsideration of the Rule and a delay of costly compliance deadlines to prevent unnecessary expenditures by the industry as the agency considers the rule.
- According to the American Petroleum Institute, the standards would affect “tens of thousands” of new wells each year, and cost up to \$800 million to comply.

Energy Independence Executive Order. Administrator Pruitt signed three notices to pull back and review major, economically significant, burdensome rules the last Administration issued, including: the Clean Power Plan the greenhouse gas rule for new power plants, and an rule to curb methane emissions from oil and gas producers. The Administrator also withdrew the proposed federal implementation plan and model trading rule associated with the Clean Power Plan.

- Senate Majority Leader Mitch McConnell penned an op-ed in Fox News praising President Trump's energy executive order that will restore sanity after Obama's failed climate policies. “I commend President Trump for sending this flawed regulatory plan, along with a number of others, back to the drawing board with Tuesday’s Energy Independence Executive Order.”
- In New York, the editorial board at the New York Post writes that Trump’s executive order will help restore our constitutional system. “Trump’s move not only helps the economy and delivers on a promise, it also takes a step toward restoring America’s constitutional system, in which Congress passes laws — not a dictatorial president.”

CPP: An executive order was issued to review the so-called Clean Power Plan and EPA sent letters to governors with additional guidance on implementing CPP: former President Obama's most disingenuous environmental initiative and the key component of his agenda regarding climate change.

- The CPP cost \$292 billion to our nation's economy over 10 years and double-digit electricity price increase in 40 states, yet will have no impact on climate change.
- CPP kills over 125,000 American jobs.
- Using the Obama EPA's own data, CPP results in less than 0.2% reduction in CO2 worldwide and will only prevent sea level rise that is equivalent to the thickness of two sheets of paper.
- The National Mining Association (NMA) placed 51 op-eds in 17 states, and conducted about 18 radio interviews in support of the Energy Independence Order.

Requested Delay of Oral Arguments on 2015 Ozone Standards: Justice Department attorneys asked the Court of Appeals for the District of Columbia to delay oral arguments scheduled for later this month in a lawsuit challenging the rule while the EPA reviews the regulation.

- The U.S. Chamber of Commerce says that this rule results in stymied economic development and lost job creation.
- The Chamber says that extending the deadline for implementing the 2015 Ozone Standards

would be the most effective way to address implementation problems and would provide immediate relief to businesses, state and localities.

EPA announced the agency's decision to review and reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule).

- EPA estimates the ELG rule costs an estimated \$480 million annually, with an average cost of \$1.2 billion per year during the first five years of compliance.
- This is one of the most consequential rules affecting power plants and risks putting coal companies out of business.
- According to the National Rural Electric Cooperative Association these standards would especially burden small and medium sized power plants, and the cost of compliance has been significantly underestimated.

Mining Financial Assurance Rule: EPA extended the comment period on the Hard Rock Mining proposed rule that costs American businesses \$171 million annually.

- Following dozens of requests, EPA issued a 120-day extension of the comment period related to proposed financial responsibility requirements for the hard rock mining industry.
- According to the National Association of Manufacturers (NAM), the rule could require billions of dollars of additional financial assurances for miners of things like gold, silver, iron and copper—critical materials for countless manufactured products. They say this represents billions of dollars that cannot be used for R&D or for economic growth and new jobs.
- Three House committee chairs sent a letter requesting the extended comment period to provide more time to digest the rule given that it contains more than 2,300 technical documents and, the chairs argued, was crafted with no input from states, industry experts or stakeholders.

CCR (Coal Combustion Residuals): EPA expects to issue the draft guidance to the states at the end of the month and begin acting on state permit applications this year.

- EPA estimates the cost of the CCR rule to be between \$500 and \$745 million annually.
- Leading Senators on the Environment and Public Works Committee have applauded states having their own permitting programs for recycling and reusing coal ash. This provides “needed certainty to industry and businesses, while ensuring the health and safety of families and communities,” according to Senator Shelley Moore Capito R-W.Va.

EPA rescinded a premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards.

- These standards are costly for automakers and the American people. This thorough review will help ensure that this national program is good for consumers and good for the environment.
- U.S. Rep Joe Barton (R-Texas) said, “You can make a good intellectual case to repeal CAFE and let the market handle it. If Mr. Trump is president...we’ll be back.” And Committee Chairman Fred Upton, R-Mich., said “If done wrong,” the 2025 standards will hurt consumers and carmakers “big time.”
- According to the Auto Alliance, “no agency has ever set emission limits so far into the future,” and this puts 1.1 million jobs at risk and cost the industry \$200 billion by 2025 to comply.

EPA is restoring states' important role in the regulation of water by reviewing, and if appropriate, revising or rescinding WOTUS.

- The Regulatory Impact Analysis (RIA) for WOTUS is anywhere between \$600 million and \$1.2 billion.
- The American Farm Bureau Federation says this action will help provide transparency for America's farmers and ranchers.
- EPA will propose as a first step to withdraw the WOTUS rule, reverting as an interim measure to familiar 2008 guidance (which represents the *status quo* due to the court stay of WOTUS). EPA will then, in the second step of this two-step process, promulgate a replacement rule. EPA has recently begun federalism/stakeholder outreach to explain this process to the public, states, trade groups, and other organizations.

EPA is making decisions based on public data and science by denying a petition to ban the pesticide chlorpyrifos.

- EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was asking EPA to ban one of the most widely-used pesticides in the world because there was never enough science to justify the ban.
- Chlorpyrifos is used today at about 40,000 farms on about 50 different types of crops, ranging from almonds to apples.
- USDA said the decision was based on sound science and will provide Americans with access to a full range of fruits and vegetables.

Stopping Methane ICR: The EPA sent 15,000 letters to American energy producers telling them they no longer have to respond a letter that EPA sent back in November 2016 at the direction of the previous EPA Administrator.

- EPA estimated that the cost to American businesses for Pt 1 of the ICR was \$17.9 million and the cost for Pt 2 of the ICR was \$24.5 million, for a total of \$42.4 million. EPA would also have a \$800K annual burden.
- EPA businesses they no longer have this additional bureaucratic burden, so these companies and the public can save money and move closer, faster to capturing any methane from escaping into the air.

Launched EPA Regulatory Reform Task Force: We are undergoing extensive reviews of the misaligned regulatory actions from the past administration.

- Industry groups such as the American Coal Council have applauded the administration's efforts to "restore balance and fairness to the regulatory process, support job creation, strengthen energy independence and lay the foundation for rebuilding and sustaining our nation's vital coal industry."
- Our Regulatory Task Force has scheduled stakeholder meetings and consultations in all major program offices and areas to solicit input on rules that should be revisited or rescinded and those meetings are underway. We have issued a notice soliciting public comment in the Federal Register allowing the general public to weigh in on this process.

Delayed Risk Management Plan (RMP Rule). EPA delayed the RMP rule to ensure that any expansion of the RMP program is necessary to make chemical facilities safer, and doesn't subject

facilities to even more burdensome, duplicative and needless regulation.

- RMP rule estimated to cost \$131.8 million annually, or \$1.3 billion over ten years, according to EPA's own estimates in the [Federal Register document](#) (pg. 4597)
- Louisiana Attorney General Jeff Landry, leading a coalition of 11 states, filed a Petition for Reconsideration on the RMP rule, explaining "This ill-advised decision subjects facilities to even more burdensome, duplicative, and needless regulation; but it also makes all of us more vulnerable to security threats."
- According to a petition filed on behalf of the RMP Coalition, consisting of relevant industry groups, this rule undermines safety, creates significant security risks, and does nothing to further prevent criminal acts that threaten facilities.

Getting real results at Superfund sites.

- Kicked-off cleanup at West Oakland (CA) Superfund site; celebrated the start-up and installation of a groundwater and soil treatment system at the AMCO Chemical Superfund site.
- "It is hard to put up with something harmful being there underground, close to your home. It is a relief to know it is going to be gone for good," said Oakland resident Queen Thurston, who was among a group of protestors that staged rallies calling for an investigation into the environmental condition of the area in the 1990s.
- Resuming cleanup and removal of contaminated soil from residences at the East Chicago (IN) Superfund site. Reached an agreement with several potentially responsible parties to fund part of the work valued at an estimated \$16 million – in addition to the \$26 million already secured for work under a 2014 consent decree. Worked with State of Indiana to provide funding under State Revolving Loan Fund for drinking water upgrades, water filters, and bottled water.
- Overseeing the second phase of \$43 million cleanup of Pompton Lake (NJ).

Allocating funds for vital environmental projects that go directly to the health of our citizens.

- EPA awarded \$100 million to upgrade drinking water in Flint, Michigan.
- Flint Mayor Karen Weaver expressed gratitude for the funding. "The City of Flint being awarded a grant of this magnitude in such a critical time of need will be a huge benefit," she said.
- Committed additional funds surrounding the Gold King Mine release, bringing the total investment to \$29 million.
- Awarded \$380,000 to Dine College for an abandoned uranium mine study in Arizona.
- Awarded a \$1.09 million Diesel Emissions Reduction Act (DERA) grant to the historic Gees Bend Ferry in Wilcox County, Alabama. Provides partial funding to develop the first zero-emission passenger/vehicle ferry of this type in the U.S., and the second in the world.

Opened the application process for EPA's WIFIA program; a low-risk loan for businesses that will provide \$1 billion in credit to finance over \$2 billion in water infrastructure investments.

- This program helps private companies and commercial developers update infrastructure and invest in local economies, adding jobs through a public-private partnership.
- The program was so popular, we received 43 letters of interest, seeking \$5.4 billion in credit assistance.
- American Water Works Association members stressed that WIFIA, which makes available low-interest federal loans for large water projects, represents the perfect balance between federal assistance and local responsibility. WIFIA is being funded for the first time in 2017 at a level of

\$20M, which can leverage \$1B in loans.

Since sworn in on February 17, Administrator Pruitt has met with 21 bipartisan governors, seven bipartisan Members of Congress, three leaders from other countries and over a dozen bipartisan and nonprofit organizations.

- "Canada and the U.S. can work together on a continental approach to energy and the environment that focuses on technological innovation like CCS and clean coal initiatives without tax and regulatory policies that cost jobs," said Saskatchewan Premier Brad Wall.
- "[Administrator Pruitt] clearly understands the EPA's proper role in government – educating and empowering, not proscribing and punishing. It's also refreshing to have a federal agency actually listen to a state's concerns," said Idaho Governor Butch Otter.

EPA Administrator Pruitt launched a *Back-to-Basics* agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated Superfund site in E. Chicago.

- As first EPA Administrator to visit the USS Lead Superfund site in East Chicago, which was listed on the National Priorities List of the worst contaminated sites in the country in 2009.
- Barbara Bolling-Williams, state president of the Indiana branch of the NAACP, said she is cautiously optimistic following Pruitt's visit to E. Chicago.
- "This is a historic event for the state of Missouri and electric cooperatives. This is the first time that an administrator of the [EPA] has actually come to one of our energy plants in Missouri to view some of the things that we've done as electric cooperatives as far as our environmental stewardship record," says Barry Hart with the Association of Missouri Electric Cooperatives (AMEC).
- "We welcome Administrator Pruitt to Southwestern Pennsylvania and are very encouraged by the new Administration's commonsense approach in balancing the need for environmental protection, energy development and economic growth," said Jimmy Brock, CEO of CNX Coal Resources.

Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it is in line with the pro-jobs, pro-growth directives of this Administration.

- States and energy companies will no doubt celebrate the EPA's reviewing of MATS, seeing it as the next step in the Trump administration's plan to cut most federal regulations imposed during the Obama administration ... MATS has probably had the biggest impact on coal-fired power plants of any EPA regulation. A record nearly 14 gigawatts of coal-fired power was shut down in 2015 — the first year MATS went into effect.
- Industry groups such as the National Mining Association have long opposed the rule, saying that it has been responsible for shutting down numerous coal-fired power plants and eliminating jobs. "The Mercury and Air Toxics Standards has already had far-reaching and costly impacts not only on our industry but on many states and their citizens whose assurance of reliable electricity supply has been cast in doubt by this rule," the group has argued. "EPA's rule reflects a stunningly unbalanced approach to regulation. The agency decided to impose expensive standards for certain emissions that it never found posed a threat to public health."

Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans, or the Start-up, Shutdown and Malfunction (SSM)

Emissions requirements set by State Implementation Plans (SIP) issued pursuant to the Clean Air Act and subject to EPA's federal oversight.

- The 2015 rule, SSM SIP call, made 36 states rewrite their plans to comply with the Clean Air Act, to remove shields for power plants and refineries emitting extra pollutants during startup, shutdown or malfunctions.
- Florida Attorney General Pam Bondi said that the EPA's final rule is a "heavy-handed federal overreach [that] threatens to upend a system that the EPA has approved multiple times." She said that the EPA's "imprudent rush to settle the matter has led the agency to adopt an illegal final rule that is in conflict with the Clean Air Act and imposes on Florida's right to determine the most effective strategy for achieving air quality standards."
- In an opening brief, filers said the agency is improperly attempting to expand its authority. The brief was filed by a broad coalition of energy companies, utilities and industry organizations, along with several states and state agencies asking the D.C. Circuit to strike down an Obama-EPA requirement that 36 states revise emissions exemptions related to startup, shutdown and malfunction events.

To: Peter Graves[peter@gobigmediainc.com]; Jess Wilson[jess@gobigmediainc.com]; Ben Latham[ben@gobigmediainc.com]
Cc: Letendre, Daisy[letendre.daisy@epa.gov]
From: Konkus, John
Sent: Tue 12/5/2017 8:31:26 PM
Subject: RE: Follow up
171128_Press Release Tracker.docx

Attached is the tracker with major actions highlighted in yellow.

From: Konkus, John
Sent: Monday, December 4, 2017 1:59 PM
To: 'Peter Graves' <peter@gobigmediainc.com>; Jess Wilson <jess@gobigmediainc.com>; Ben Latham <ben@gobigmediainc.com>
Cc: Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Follow up

Photos: **Ex. 6 - Personal Privacy**

Example: **Ex. 6 - Personal Privacy**

John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: **Ex. 6 - Personal Privacy**

**DOCUMENT ED_001650_00062288 WAS WITHHELD IN FULL UNDER EXEMPTION
5, DELIBERATIVE PROCESS**

To: Peter Graves[peter@gobigmediainc.com]
From: Konkus, John
Sent: Wed 12/20/2017 9:43:33 PM
Subject: DRAFT TABLE OF CONTENTS - Accomplishments report.docx
DRAFT TABLE OF CONTENTS - Accomplishments report.docx

Peter: This can serve your team as a very comprehensive table of contents, timeline and outline for the report. Please take a look and let's touch base later this week. Thank you!

**DOCUMENT ED_001650_00062295 WAS WITHHELD IN FULL UNDER EXEMPTION
5, DELIBERATIVE PROCESS**

To: Peter Graves[peter@gobigmediainc.com]
From: Konkus, John
Sent: Wed 12/20/2017 3:48:16 PM
Subject: FW: For Review: Administration Actions Jan 2017 - Dec 2017 w/ desk statements - DDL Tues, 12/19, COB
WOTUS example for Accomplishments Report.docx
171128 Press Release Tracker.docx

Peter: Per our conversation yesterday, attached is an example of what we're looking for. Below is an explanation of how to get there. Also attached is the tracker. We will discuss this during the call later today. Thanks!

From: Letendre, Daisy
Sent: Wednesday, December 20, 2017 10:25 AM
To: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Review: Administration Actions Jan 2017 - Dec 2017 w/ desk statements - DDL Tues, 12/19, COB

See attached. All the text is either from the PR Tracked document with tenses changed to flow better or from the press release itself on the website. It's just a matter of ensuring that they know how to scan the document and reference it with our press releases on the website. I also noticed some inconsistencies with AP Style (or style period) I'm assuming that they will edit for things like that...

Daisy C. Letendre

Letendre.Daisy@epa.gov

**DOCUMENT ED_001650_00062303 WAS WITHHELD IN FULL UNDER EXEMPTION
5, DELIBERATIVE PROCESS**

To: Sowell, Sarah[Sowell.Sarah@epa.gov]
From: Jack Gerard, API
Sent: Thur 1/4/2018 2:27:23 PM
Subject: Energy Policy New Year's Resolutions for Washington

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January 4, 2018

Dear Sarah,

In passing [tax reform](#) last month, Congress and the Trump administration set a course toward greater economic growth and increased U.S. competitiveness. Policymakers can continue on that path in 2018 by taking action to advance U.S. energy development – one of the [major drivers of job growth and economic benefits](#) for consumers.

Expand Energy Access: Natural gas and oil development is essential to the U.S. economy, supporting 10.3 million jobs across a range of industries and reducing costs for homes and businesses. And there's more where that came from. Accessing the [wealth of energy resources](#) located in offshore areas could generate hundreds of thousands of jobs and lead to production gains of more than a million barrels of oil equivalent per day – further reducing dependence on overseas energy. The Trump administration's new plan for [offshore development](#) could provide a welcome opportunity to bring [safe energy development](#) to new offshore areas.

Keep Competitive Electricity Markets: Natural gas is now the leading source for U.S. electricity generation, and its benefits are wide-ranging. Its [reliability, affordability and environmental benefits](#) (helping [reduce carbon dioxide emissions](#) in the power sector to near 30-year lows) have made it a fuel of choice for power plant operators. Proposals to alter electricity markets in ways that favor some fuel sources over others could disrupt the free-market competition that has worked so well for consumers. By maintaining a level playing field in electricity markets, policymakers in Washington and at the state level can protect consumers and ensure affordable, reliable and safe electricity for homes and businesses.

Capitalize on Energy Infrastructure Opportunities: Congress and the White House have pledged to make infrastructure a priority in 2018, and [energy infrastructure](#) offers exactly the job-creating, economy-strengthening opportunity they're looking for. Building [pipelines](#) and other infrastructure to keep pace with growing production could support up to 1,047,000 jobs each year on average through 2035 via shovel-ready projects that are not reliant on taxpayer dollars. Eighty-one percent of American voters support expanding U.S. energy infrastructure – making it an economic and political winner.

Cut Red Tape: States are currently saddled with the costly burden of complying with two [dueling sets of ozone standards](#) even though ground level ozone levels have decreased 17 percent since 2000. Legislation passed by the House would help provide regulatory certainty for states and businesses of all sizes while continuing to reduce ozone precursor emissions. Getting this sensible policy across the finish line should be a priority this year. Ethanol policy is also due for a rewrite. Without reform, the outdated [Renewable Fuel Standard](#) – which adds more ethanol to the nation's fuel supply each year, without fully taking market demand into account – threatens to [cause engine damage and raise consumer costs](#). The RFS was mandated a decade ago to reduce costs and reliance on foreign energy – two goals since achieved by the U.S. energy revolution. It's time to acknowledge current realities and repeal or

significantly reform the RFS.

Not only do pro-energy policies make good economic sense, they receive bipartisan support. Eighty percent of U.S. voters support increased domestic oil and natural gas production. As Congress and the Trump administration set priorities for 2018, pro-economy, pro-consumer energy policies should be on the short list.

Sincerely,

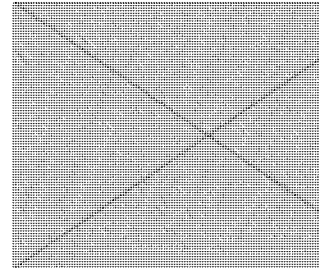
Jack N. Gerard
President & CEO
API

Offshore Energy: Safe Development for a Secure Energy Future

The natural gas and oil industry has the experience and advanced technology to safely develop the nation's offshore reserves, and we've worked together with regulators to make offshore development safer than ever. [Learn more about the importance of offshore energy to future U.S. energy security, and the steps we've taken to keep offshore development safe.](#)

Follow our Blog to stay up-to-date

To stay up-to-date on the latest energy-related news, there is no better place to check than the [Energy Tomorrow Blog](#).



About API:

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation's energy and are backed by a growing grassroots movement of more than 40 million Americans.

To learn more about API and the value of oil and natural gas, please visit [API.org](#).

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Jack Gerard, API
1220 L Street, NW
Washington, DC 20005
US

.....

To: Sowell, Sarah[Sowell.Sarah@epa.gov]
From: Jack Gerard, API
Sent: Thur 11/2/2017 1:28:35 PM
Subject: Regulatory Certainty on Ozone Can Protect U.S. Competitiveness

[Click to view this email in a browser](#)



November 2, 2017

Dear Sarah,

The combined emissions of six key air pollutants dropped 73 percent between 1970 and 2016, according to the Environmental Protection Agency's latest annual air quality report, and ground level ozone levels have decreased 17 percent since 2005. All this occurred during a time of significant economic growth, and these are achievements we all can and should be proud of since it is the result of the combined efforts of states, counties and industry to reduce air emissions.

Congress can ensure continued environmental and economic progress by implementing reforms to ozone regulations that eliminate duplicative regulatory requirements. In simple terms, EPA issued new ozone regulations in 2015 before its existing 2008 regulations –*the strictest in history* – had been fully implemented. That is leaving states in the costly position of attempting to comply with two competing sets of ozone regulations.

To understand how important reform is, take a look at the long and varied list of 303 organizations that wrote a letter explaining the economic impact of dueling standards that, in some cases, require states to achieve ozone levels approaching or below naturally occurring levels of ozone. The coalition includes local governments, chambers of commerce, businesses, and associations representing: manufacturers, construction workers, energy producers, dairy farmers, cattlemen, auto dealers, truckers, timber producers, restaurant and hospitality groups, poultry producers, convenience stores, engineers, grocers, retailers, and many others.

Here's what they had to say:

"If implemented, EPA's stringent ozone standards could limit business expansion in many areas of the United States and risk the ability of U.S. companies to create new jobs. The standards add red tape to companies seeking to grow even in areas that can attain those standards. ... Increased costs associated with restrictive and expensive permit requirements could likely deter companies from siting new facilities in a nonattainment area, making the United States a less attractive place to do business and risking shipping jobs overseas."

The fact is, the strict 2008 ozone standards are working and will continue to reduce ozone concentrations. A House-passed bill would help cut the red tape and provide the regulatory certainty that states need to keep reducing ozone emissions without hurting job growth. The Ozone Standards Implementation Act of 2017, approved in the House earlier this year, recognizes ongoing state efforts to improve air quality, would reduce onerous requirements and facilitate the ability of businesses to expand operations and create jobs, while including other reforms that bring more regulatory certainty to federal air quality standards.

With Congress focused on tax reform and other budget issues, ozone regulatory reform fits right in as a policy priority with major economic implications for the entire nation. We urge the

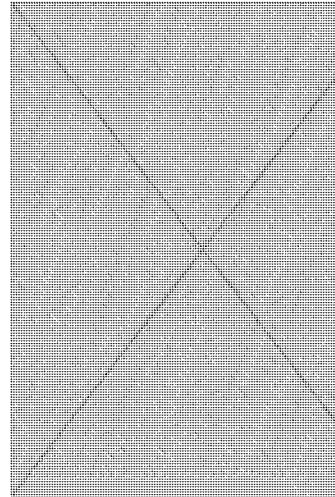
Senate to join the House in passing commonsense ozone regulatory reform.

Sincerely,

Jack N. Gerard
President & CEO
API

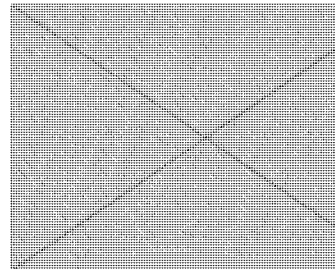
Offshore Development: Safety above All Else

Keeping our workforce safe is just one area of continuously improving safety that the natural gas and oil industry works hard on every day. One area where the industry brings a keen focus is the safety of offshore operations. [Learn more about the regulations, safety practices, technology and environmental management systems](#) that keep offshore production safe.



Follow our Blog to stay up-to-date

To stay up-to-date on the latest energy-related news, there is no better place to check than the [Energy Tomorrow Blog](#).



About API:

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Jack Gerard, API
1220 L Street, NW
Washington, DC 20005
US

.....

To: Sowell, Sarah[Sowell.Sarah@epa.gov]
From: Sustainable City Network
Sent: Thur 6/8/2017 12:15:14 AM
Subject: [SPAM] Top News: Bitter Reaction as Trump
Bails on Climate Accord

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June 7, 2017

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Bitter Reaction as Trump Bails on Climate Accord

257 U.S. Mayors Beg to Differ

By Randy Rodgers
Publisher & Executive Editor

Some of the 257 U.S. mayors, members of the Mayors National Climate Action Agenda, who recently released an open letter to President Trump to oppose his actions thus far against climate action.

The sustainability community erupted with nearly universal dismay, outrage and resolve in the face of President Donald Trump's

decision to pull the United States out of the Paris climate agreement

promise, pitting his administration against the 71 percent of U.S. citizens who believe climate change is a clear and present danger, and joining only the countries of Syria and Nicaragua in defiance of the accord, which was signed by nearly 200 nations.

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In justifying his decision, Trump famously said, "I was elected to represent the citizens of Pittsburgh, not Paris." That statement ignored two important facts: 1) In the 2016 presidential election, Hillary Clinton won 75 percent of the vote in the city of Pittsburgh; and 2) Pittsburgh and Paris are actually on the same planet, which is really what the Paris Accord was all about.

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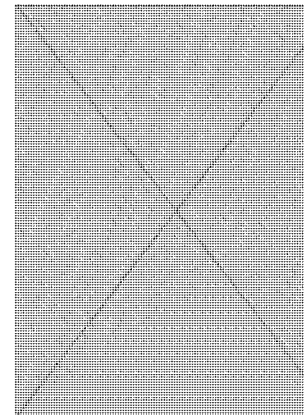
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and why they have
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Results of Lean
initiatives have led
to increased
customer and
stakeholder
satisfaction,
reduced costs,
reduced risks,
increased sales,
and more flexible
and agile
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Perhaps the largest
benefit has been
more engaged
employees, where
people enjoy the
work they do.

Examples of Lean
successes can be
found within city
and state agencies,
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563.588.3853 or
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To: Sowell, Sarah[Sowell.Sarah@epa.gov]
From: Jack Gerard, API
Sent: Wed 8/9/2017 1:27:53 PM
Subject: Fix Duplicative Ozone Rules, Protect State Economies

[Click to view this email in a browser](#)



August 9, 2017

Dear Sarah,

The Environmental Protection Agency's (EPA) latest annual report on air quality is out, and it's good news. The combined emissions of six key air pollutants dropped 73 percent between 1970 and 2016. The progress is all the more noteworthy considering the same period brought increases in GDP (up 253 percent since 1970), energy consumption (up 44 percent), population (up 58 percent) and vehicle miles traveled (up 190 percent). Conventional wisdom holds that economic growth goes hand in hand with increased air pollution, and critics of oil and natural gas production argue that we can't improve air quality without giving up our cars. EPA's report would seem to turn that thinking on its head.

Technological advances can be credited with much of the progress. Spending in the natural gas and oil industry to improve the environmental performance of its products, facilities and operations totals more than \$321 billion since 1990. Between 2000 and 2014, industry invested about \$90 billion in new zero- or low-emissions technologies – more than twice that of the next closest industry sector and nearly as much as the federal government.

Greater use of clean-burning natural gas plays a major role, too – helping to drive down power sector carbon emissions to near 30-year lows, while also helping to reduce emissions of nitrogen oxide and sulfur dioxide.

That brings us to ozone. Increased use of domestic natural gas has helped reduce ozone concentrations in the air by 17 percent since 2005. So it makes little sense that states are being saddled with not one but two competing sets of regulations on ozone. The EPA issued stringent new ozone regulations in 2008 and then again in 2015 before the previous regulations had even been fully implemented, burdening state agencies and local economies with an obligation to develop two different but concurrent ozone programs.

To comply with standards approaching or below naturally occurring levels of ozone, states could be required to place restrictions on everything from manufacturing and energy development to infrastructure projects like roads and bridges. The regulations are so misguided and detached from science that their implementation could place hundreds of counties out of attainment and subject to costly mitigation measures.

A collection of 269 business groups -- made up of manufacturers, builders, contractors, road construction groups and chambers of commerce across the nation – warned EPA at the time of the potential impact, explaining that the 2015 regulations would "make it difficult to manufacture products, build new projects, produce energy, improve infrastructure and hire the workers needed to make this all happen."

The House passed bipartisan legislation in June to give states the flexibility they need to implement the standards more efficiently. The Ozone Standards Implementation Act of 2017, introduced by Rep. Pete Olson (R-Texas), recognizes ongoing state efforts to improve air

quality, streamlines the air permitting process for businesses to expand operations and create jobs, and includes other reforms that bring more regulatory certainty to federal air quality standards.

API and [a coalition of 146 associations and businesses](#) representing a broad cross-section of U.S. industries have endorsed the legislation, which fully maintains our national commitment to protecting public health and reducing emissions -- without unnecessarily straining state and local economic resources.

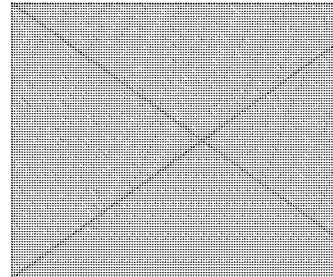
Now it's up to the Senate. With employment finally back to pre-recession levels, the last thing the government should do is move forward with regulations that could slam the brakes on a wide range of job-creating activities. Passing commonsense air quality legislation should be a top priority when the Senate returns in September.

Sincerely,

Jack N. Gerard
President & CEO
API

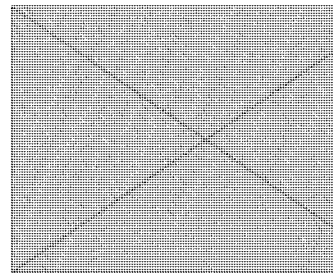
National Industry – State Economic Impacts

Both energy-producing states and non-producers are positively impacted by the U.S. natural gas and oil industry, which supported 10.3 million jobs and accounted for 7.6 percent of U.S. GDP in 2015. [Learn more](#) about how America's energy renaissance is boosting national and state economies, helping lower costs for consumers and manufacturers and leading the way on climate progress.



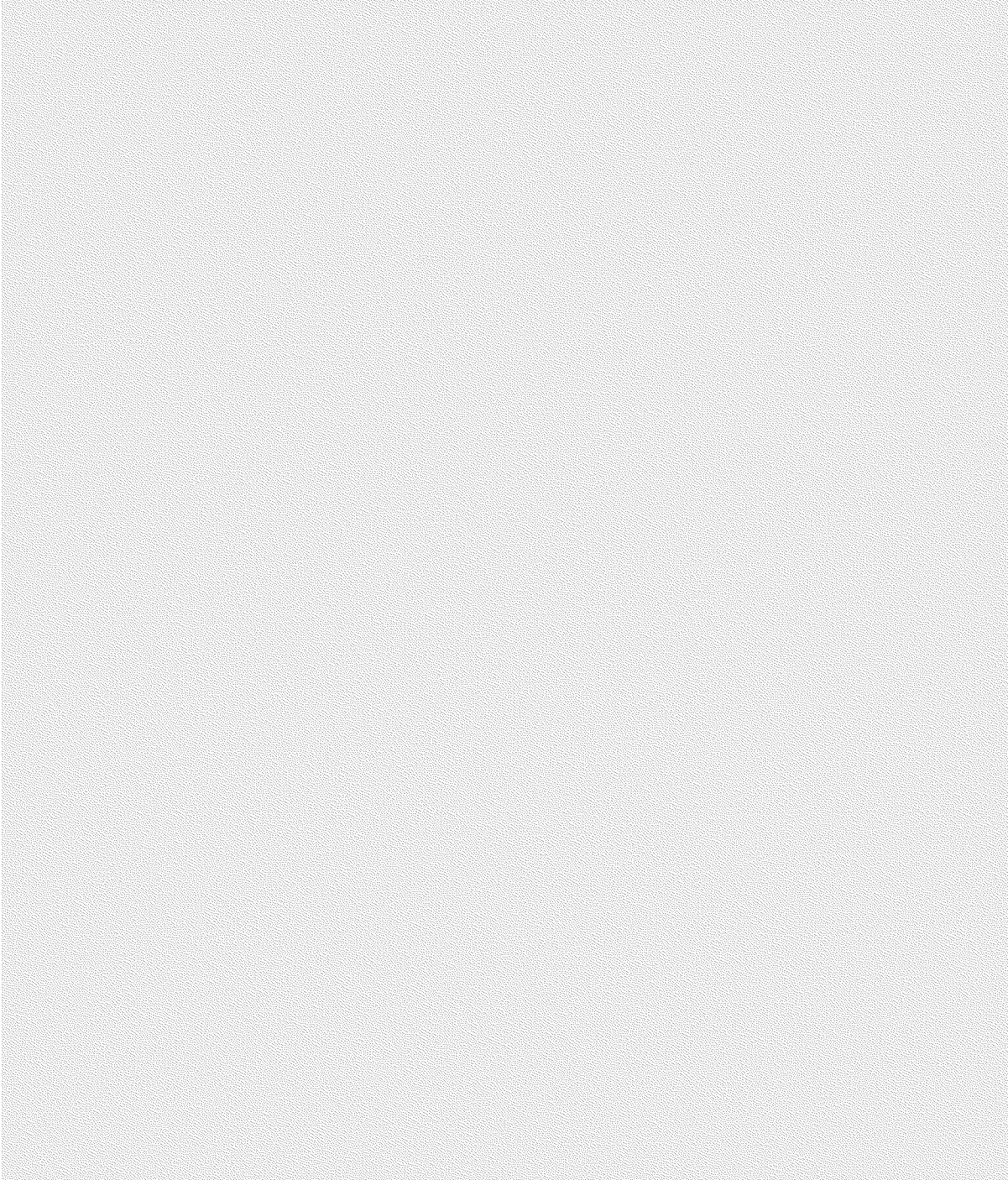
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Jack Gerard, API
1220 L Street, NW
Washington, DC 20005
US

.....

To: Valentine, Julia[Valentine.Julia@epa.gov]
From: Ewing Tom
Sent: Tue 6/6/2017 2:05:49 PM
Subject: Re: six-month letters (O3)

Julia - thanks for the note. Deadline: Monday, June 12 EOB. Thank you!
TE

Sent from Yahoo Mail for iPad

On Tuesday, June 6, 2017, 9:38 AM, Valentine, Julia <Valentine.Julia@epa.gov> wrote:

Hi Tom – please let me know your hard deadline. Thanks.

Julia P. Valentine

Assoc. Dir./Acting Dir.
U.S. EPA, Ofc of Media Relations

202.564.2663 direct

Ex. 6 - Personal Privacy m/txt

From: Ewing Tom [mailto:Ex. 6 - Personal Privacy]
Sent: Tuesday, June 06, 2017 8:11 AM
To: Press <Press@epa.gov>
Subject: Fw: six-month letters (O3)

----- Forwarded Message -----

From: Ewing Tom <Ex. 6 - Personal Privacy>
To: Enesta Jones <jones.enesta@epa.gov>
Sent: Tuesday, June 6, 2017 8:06 AM
Subject: six-month letters (O3)

Enesta - good morning!

Has EPA made available the six-month letters to the state Governors in response to the states' proposals (sent last October) regarding attainment/nonattainment designations for the 2015 ozone standard?

Thanks!

Tom Ewing

"reply" or

Ex. 6 - Personal Privacy

voice/text

To: Valentine, Julia[Valentine.Julia@epa.gov]
From: Sean Reilly
Sent: Thur 6/8/2017 8:51:48 PM
Subject: RE: Interview request for Mr. Pruitt re delay in ozone NAAQS implementation

Hi Julia:

Tomorrow is possible. Do you have an ETA?

Sean

From: Valentine, Julia [mailto:Valentine.Julia@epa.gov]
Sent: Thursday, June 08, 2017 4:48 PM
To: Sean Reilly <sreilly@eenews.net>
Cc: Press <Press@epa.gov>
Subject: RE: Interview request for Mr. Pruitt re delay in ozone NAAQS implementation

Hi Sean – Is your deadline of 5:30 a hard deadline or is tomorrow a possibility?

Many thanks,

Julia

From: Sean Reilly [mailto:sreilly@eenews.net]
Sent: Thursday, June 08, 2017 10:38 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Interview request for Mr. Pruitt re delay in ozone NAAQS implementation

OK, Liz. Please consider this a standing interview request. I am interested in discussing this subject with Mr. Pruitt at any time at his convenience.

Also, to follow up on one of the questions below, can we get the following information related to the Ozone Cooperative Compliance Task Force:

- 1) A copy of its charter and/or whatever document was used to create it.
- 2) A list of all current members.
- 3) Any other relevant documents related to the task force's purpose, timeframe for action, etc.

My deadline is 5:30 p.m. today.

Sean

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: Wednesday, June 07, 2017 3:57 PM
To: Sean Reilly
Subject: RE: Interview request for Mr. Pruitt re delay in ozone NAAQS implementation

Hi Sean – Sorry that I am just now responding; we are short staffed today with a lot of folks traveling. The Administrator was in Ohio, so he wasn't available to talk with you today, but hopefully in the future. Thanks – liz

From: Sean Reilly [mailto:sreilly@eenews.net]
Sent: Tuesday, June 6, 2017 11:35 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Interview request for Mr. Pruitt re delay in ozone NAAQS implementation

Hi Liz:

In connection with a follow-up story we'll be doing tomorrow, I wanted to see whether Mr. Pruitt is available for 10-15 minutes in the morning to discuss in more detail the factors behind his decision and his response to the criticism that has followed. I'm particularly interested in addressing the following issues:

- 1) In his letter, Mr. Pruitt says that compliance costs associated with the ozone NAAQS have increased significantly. What data is he alluding to?
- 2) Why did he decide to postpone a statutory deadline without prior public notice and the opportunity for public comment?
- 3) Did Mr. Pruitt seek any advice from EPA's Office of General Counsel on proceeding with the delay and, if so, did OGC opine that such a delay is legal?
- 4) Does Mr. Pruitt have any comment on allegations from John Walke of the Natural Resources Defense Council that the delay is "flagrantly illegal"?
- 5) What is the status of EPA's broader review of the 2015 ozone NAAQS that led the agency to seek an abeyance of the litigation before the U.S. Court of Appeals for the D.C. Circuit?
- 6) Who is on the Ozone Cooperative Compliance Task Force and what is its formal charter (apart from the brief description in today's letter) and the timeframe for making recommendations?

My deadline is 11:45 a.m. tomorrow. If Mr. Pruitt is not available for an interview, I would appreciate your addressing these questions either over the phone or in writing by then.

Thanks very much,

Sean

Sean Reilly
Reporter
E&E News

Ex. 6 - Personal Privacy (Desk)
(Cell)
sreilly@eenews.net

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From: Sustainable City Network
Sent: Thur 6/8/2017 12:15:14 AM
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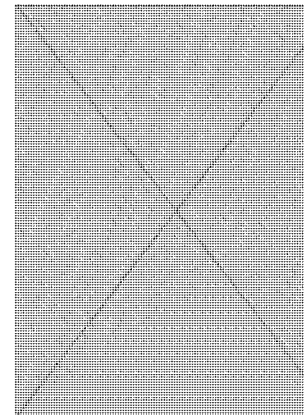
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and more flexible
and agile
organizations.
Perhaps the largest
benefit has been
more engaged
employees, where
people enjoy the
work they do.

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found within city
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To: Valentine, Julia[Valentine.Julia@epa.gov]
From: Vanessa Schipani
Sent: Fri 1/20/2017 4:36:29 PM
Subject: Re: Request for Info: NAAQS nonattainment [WARNING: SPF validation failed] [WARNING: SPF validation failed]

Ah I should have known. Early Monday would work.

One point of clarification – I meant the 75 ppb standard for ozone, but if you have figures on the new 70 ppb standard, that would be great too.

Also, I'd take those percentages in population and/or county terms.

FYI, I did find this [CRS report on the EPA's ozone standards](#), which says, "As of October 2015, 122 million people (40% of the U.S. population) lived in areas classified as 'nonattainment' for the current 75 ppb ozone NAAQS." Does that figure hold true as of Jan. 2017?

Best,

Vanessa Schipani

Science Writer, FactCheck.org

Annenberg Public Policy Center

University of Pennsylvania

202 S. 36th Street, Philadelphia, PA 19104

Ex. 6 - Personal Privacy | vanessa.schipani@factcheck.org

From: "Valentine, Julia" <Valentine.Julia@epa.gov>

Date: Friday, January 20, 2017 at 11:15 AM

To: Vanessa Schipani <vanessa.schipani@factcheck.org>

Subject: Re: Request for Info: NAAQS nonattainment [WARNING: SPF validation failed]

Hi Vanessa,

EPA HQ is closed today for inauguration. Would Monday be ok?

Julia P. Valentine

Office of Media Relations

202.564.2663

Sent from USEPA iPhone

On Jan 20, 2017, at 10:16 AM, Vanessa Schipani <vanessa.schipani@factcheck.org> wrote:

Hello,

I'm the science writer over at FactCheck.org and I have a question for you about nonattainment for NAAQS. Would you be able to tell me the percentage of counties that are currently in nonattainment for NAAQS generally and the 2008 Ozone levels of 70 ppb?

This can certainly be on background, if you're not comfortable being quoted, but I was having a hard time finding that information on the EPA's website. We're investigating a claim by Scott Pruitt during his confirmation hearing. He claimed nonattainment was 40 percent for NAAQS generally and ozone at 70 ppb specifically during his confirmation hearing.

If you could get back to me asap, I would greatly appreciate it, as we're hoping to publish something today or Monday.

Best,

Vanessa Schipani

Science Writer, [FactCheck.org](https://factcheck.org)

Annenberg Public Policy Center

University of Pennsylvania

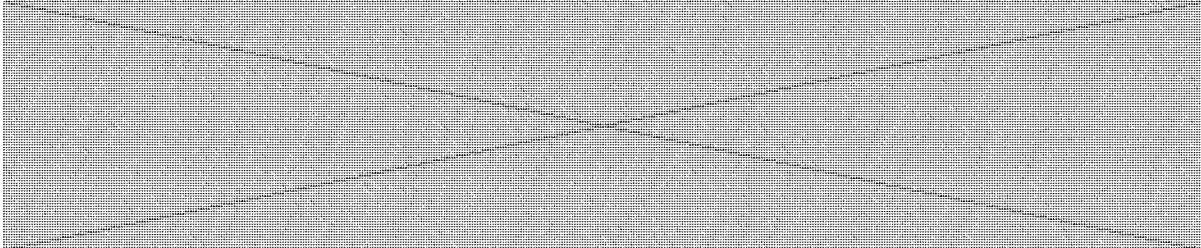
202 S. 36th Street, Philadelphia, PA 19104

Ex. 6 - Personal Privacy

| vanessa.schipani@factcheck.org

To: Valentine, Julia[Valentine.Julia@epa.gov]
From: California Air Resources Board
Sent: Thur 11/16/2017 10:44:38 PM
Subject: Sacramento region set to meet federal health-based air quality standard two years before deadline

Having trouble viewing this email? [View it as a Web page.](#)



November 16, 2017

Release #17-65

Sacramento region set to meet federal health based air quality standard two years before deadline

Number of days Sacramento exceeded federal standard for smog dropped 42% between 2000 and 2016

CONTACTS

Melanie Turner
Office of Communications
mturner@arb.ca.gov
(916) 322-2990

SACRAMENTO – The California Air Resources Board (CARB) today adopted the Sacramento region's Ozone Plan, which demonstrates the region will meet a federal 8-hour ozone standard of 75 parts per billion (ppb) two years ahead of schedule, or by July 20, 2025.

Air quality has improved substantially in the region, primarily due to emission reductions from cars and trucks, which generate 85 percent of the region's oxides of nitrogen (NOx), a primary contributor to ozone, or smog. Most of the reductions are

due to CARB's successful air pollution control programs aimed at cars and trucks. And because the regulations are phased in over time the region is expected to benefit from further emission reductions in the future.

"Today is a remarkable day for air quality progress in the Sacramento region," Board member and Sacramento County Supervisor Phil Serna said. "This achievement is the product of effective partnerships and strong state controls on air pollution from cars and trucks."

The Ozone Plan reflects ongoing regional reductions in ozone pollution, which can damage lung tissue and lead to decreased lung function. Highlights of the region's successes:

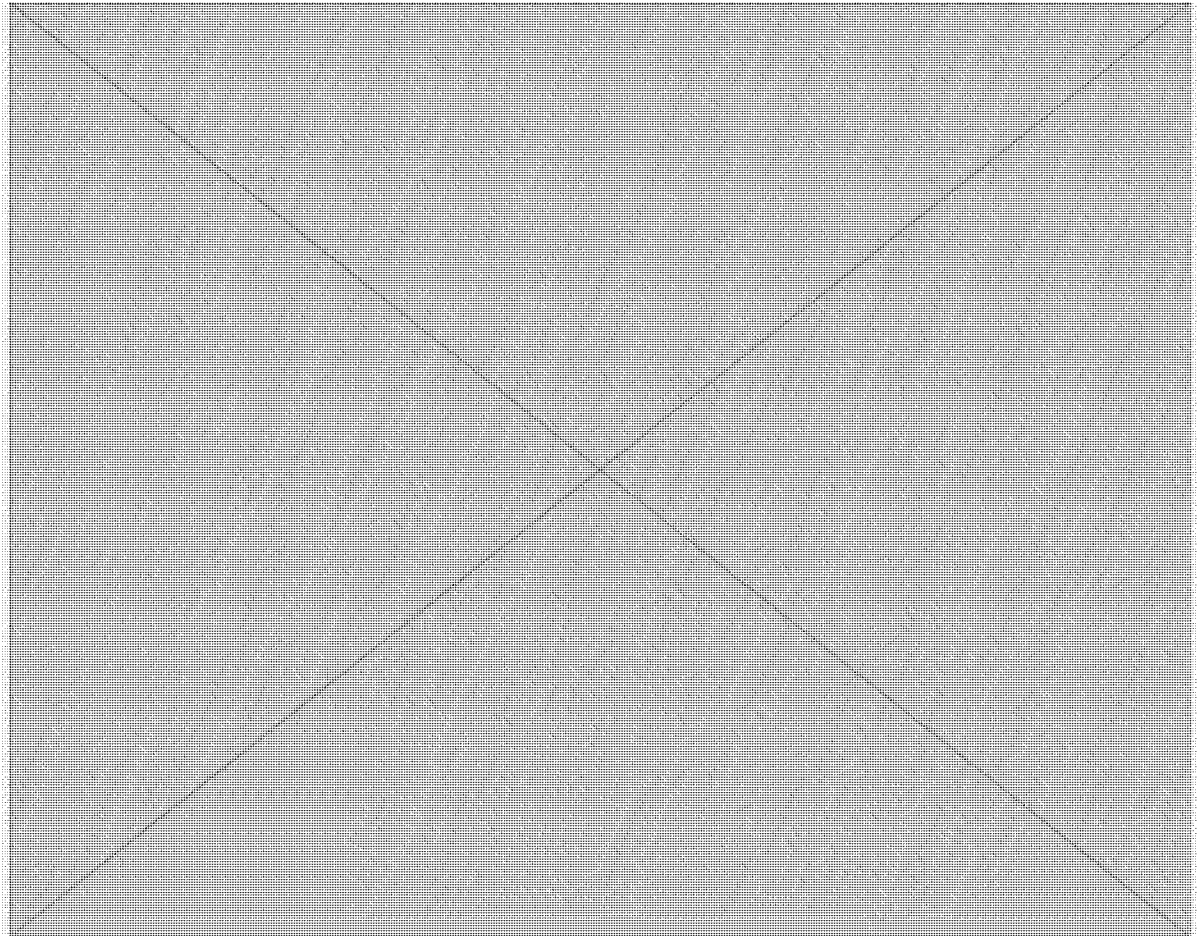
- Between 2000 and 2016, the number of days the region exceeded the standard was reduced by 42 percent, despite growth in the region's population and traffic.
- During that same time period, the population grew by 25 percent and vehicle miles traveled by 36 percent.
- At the same time, NOx emissions were reduced by 61 percent, almost all from cars and trucks. NOx emissions are expected to be cut in half between now and the attainment year.

~~REDACTED~~

Serna recognized contributions to the Ozone Plan from regional partners, including Larry Greene, former executive director of the Sacramento Metropolitan AQMD, Mike McKeever, former executive director of the Sacramento Area Council of Governments and Sacramento Mayor Darrell Steinberg who, as a sitting Assemblyman, sponsored legislation (AB 2511) that established a first-in-the-state mobile source emission reduction incentive program known as SECAT. The SECAT program has led to emissions reductions from nearly 2,500 heavy-duty trucks and buses operating in the Sacramento nonattainment area.

In 2012, the region – comprised of all of Sacramento and Yolo counties and portions of El Dorado, Placer, Solano and Sutter counties – was designated a "severe ozone nonattainment area" for the standard by the U.S. Environmental Protection Agency. Mountain ranges bordering the Central Valley limit dispersion and trap pollutants in the Valley.

CARB will submit the Sacramento Region's Ozone Plan outlining how the region will meet the federal 8-hour ozone standard (75 ppb) to the U.S. Environmental Protection Agency as a revision to the California State Implementation Plan.



CLEARING CALIFORNIA SKIES FOR 50 YEARS

CARB is the lead agency for California's fight against climate change, and oversees all air pollution control efforts in the state to attain and maintain health-based air quality standards. Learn more at www.arb.ca.gov.

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This email was sent to valentine.julia@epa.gov using GovDelivery Communications Cloud, on behalf of: California Air Resources Board · 1001 "I" Street · Sacramento, CA · 95814

From: Clint Woods
Location: Call-In Number: [Ex. 6 - Personal Privacy](#) Passcode: [Ex. 6 - Personal Privacy](#)
Importance: Normal
Subject: EPA - AAPCA Call on Permitting (Hosted by Permitting & NSR Committee)
Start Date/Time: Wed 8/30/2017 7:00:00 PM
End Date/Time: Wed 8/30/2017 8:00:00 PM
[AAPCA Permitting Reform Call Agenda and Key Agency Issues 8-29-2017.pdf](#)

...

8/29 update – Below and attached (PDF) is our proposed agenda for the August 30 call with AAPCA’s Permitting/NSR Committee

AAPCA Member Call with U.S. EPA on Interagency Permitting Reforms

Hosted by Permitting/NSR Committee

Wednesday, August 30, 3:00 – 4:00 PM Eastern

Call-in information: [Ex. 6 - Personal Privacy](#) **Passcode:** [Ex. 6 - Personal Privacy](#)

Proposed Agenda:

1. **Welcome / Roll Call**
2. **U.S. EPA Updates on Interagency Permitting Reforms** (*see background information at bottom of agenda)
3. **Key AAPCA Member Issues Raised in Recent Comments** (most of these comments are taken from AAPCA July 2017 report, *The State of Regulatory Reform: Navigating State Perspectives on Clean Air Act Regulations Under Executive Order 13777*)

Title V Review / Petitions Process

- Sample comment: “Responses to a review of a proposed permit that deviates from the Act leads to uncertainty to the public, the State authority, and the applicant as to where the permit stands and, specifically, if the permit can be issued without threat from EPA veto.” – North Carolina DAQ, [comments](#) on U.S. EPA’s Regulatory Reform, Attachment (pg. 33)
- AAPCA member comments on U.S. EPA’s proposed “Revisions to the Title V Permitting Program Regulations to Improve the Petitions Process”: [Alabama DEM](#); [Arkansas DEQ](#); [Georgia EPD](#); [Nevada DEP](#); [North Carolina DEQ](#); [South Carolina DHEC](#); [Texas CEQ](#); [Virginia DEQ](#); [Wyoming DEQ](#)
- [Comments on U.S. EPA’s Regulatory Reform: AAPCA](#), pg. 4; [Georgia EPD](#), pg. 3; [North Carolina DAQ](#), pg. 33; [Ohio EPA](#), pg. 3

Unimplemented Recommendations from 2004 – 2006 Title V Task Force

- Sample comment: “In 2004, the Clean Air Act Advisory Committee (CAAAC) established a Task Force on Title V Implementation Experience.... U.S. EPA should examine this report and move forward with recommendations to provide the much needed improvement to the Title V permit system” – Ohio EPA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 3
- Report: Title V Task Force, *Final Report to the Clean Air Act Advisory Committee on the Title V Implementation Experience*, April 2006.

Prevention of Significant Deterioration (PSD) permit review

- Sample comment: “Currently, Regional offices are reviewing each PSD permit application processed by the State. Typically, comments and suggestions from the region do not result in any modification of the proposed permit. Reviewing and responding to these minor comments and suggestions requires extra time from the

permitting staff and often unnecessarily holds up timely issuance of the permits.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 6

Prevention of Significant Deterioration (PSD) modeling review

- Sample comment: “EPA Regional staff typically review each PSD modeling review. Often, the staff modelers are required to spend significant time in discussion with EPA regarding the modeling review or addressing comments, yet significant changes rarely result from these discussions.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 7

New Source Review (NSR) permitting

- Sample comment: “Specific suggestions to adjust NSR permitting include: removal of volatile organic compound (VOC) requirements in areas with oxides of nitrogen limits under New Source Review (NSR); modifications to PSD and NSR that consider environmentally beneficial projects; and providing a clean unit exemption.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 7

Title V Permitting Requirements for Air Curtain Incinerators/Destructors

- Sample comment: “Regulation with unnecessarily burdensome requirements for owners/operators.” – [AAPCA](#), , pg. 4
- Other relevant comments: [Arizona DEQ](#), pg. 1; [Georgia EPD](#), pg. 1 – 2; [Maine DEP](#), pg. 1, 3-5; [North Carolina DAQ](#), pg. 6-7; [South Carolina DHEC](#), pg. 2 – 3; [ECOS](#), pg. 2; [NESCAUM](#), pg. 2

Title V permitting requirements, as found in 40 CFR 70.3 and the National Emissions Standards for Hazardous Air Pollutants for Source Categories (40 CFR 63)

- Sample comment: “Overly burdensome and costly for area sources that are required to obtain and maintain Title V operating permits.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 4
- Other relevant comments: [Arizona DEQ](#), Attachment, pg. 2; [Arkansas DEQ](#), pg. 9; [Maine DEP](#), pg. 17; [Nevada DEP](#), pg. 2; [South Carolina DHEC](#), pg. 2 – 3

Title V Annual Compliance Certifications

- Sample comment: “Title V Annual Compliance Certifications required by 40 CFR 70.6(c) are redundant to the reporting requirements contained elsewhere in the permit and unnecessarily burdensome. EPD spends approximately 1,000 staff hours annually reviewing the certifications.” – Georgia EPD, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 3

Revisions to the Public Notice Provisions in Clean Air Act Permitting Programs

- Sample comment: “Air agencies provided comment on this proposal, and there may be other areas in which EPA should explore electronic notice options.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 4
- See AAPCA member comments on the proposed revisions: [Georgia EPD](#); [Kentucky DAQ](#); [Ohio EPA](#); [South Carolina DHEC](#); [Texas CEQ](#); [Virginia DEQ](#); [Wyoming DEQ](#)

“Once In, Always In” Policy for Major Source Maximum Available Control Technology Standards

- Sample comment: “The current policy requires sources that are subject to a major source MACT to always be subject to that MACT standard, even if their emissions are later reduced below major source levels of HAPs, limiting the incentive for industry to reduce emissions or find alternative materials.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 4

- Other relevant comments: [Arizona DEQ](#), Attachment (pg. 1); [Georgia EPD](#), pg. 1; [Maine DEP](#), pg. 1, 3 – 5; [North Carolina DAQ](#), pg. 36; [Ohio EPA](#), pg. 6 – 7

NAAQS Implementation / Permit Grandfathering

See relevant comments from AAPCA members on:

- U.S. EPA's proposed Implementation Rule for the 2015 Ozone NAAQS: [Arizona DEQ](#); [Georgia EPD](#); [Kentucky DEP](#); [Ohio EPA](#); [Nevada DEP](#); [North Carolina DEQ](#); [South Carolina DHEC](#); [Texas CEQ](#); [Virginia DEQ](#); [Wyoming DEQ](#)
- U.S. EPA's proposed 2015 Ozone NAAQS: [Alabama DEM](#); [Florida DEP](#); [Georgia EPD](#); [Indiana DEM](#); [Kentucky DEP](#); [Louisiana DEQ](#); [Mississippi DEQ](#); [Nevada DEP](#); [North Carolina DAQ](#); [North Dakota DAQ](#); [Ohio EPA](#) (Appendices A-F and G-I); [South Carolina DHEC](#); [Tennessee DAPC](#); [Texas CEQ](#); [Virginia DEQ](#); [West Virginia DAQ](#); [Wyoming AQD](#)

4. U.S. EPA update on Draft Title V Fee Guidance Documents (Feedback due September 20)

- “[Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70](#)” (Title V Evaluation Guidance)
- “[Updated Guidance on EPA Review of Fee Schedules for Operating Permit Programs under Title V](#)” (Updated Fee Schedule Guidance)

5. Other Questions and Comments

6. Adjourn

*Background Information:

- Presidential Memorandum: [Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing](#) (January 24, 2017);
- In March 2017, the U.S. Department of Commerce issued a [request for information](#), “Impact of Federal Regulations on Domestic Manufacturing.”;
- Relevant Executive Orders: EO 13766: [Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects](#) (1/24/17); EO 13771: [Reducing Regulation and Controlling Regulatory Costs](#) (1/30/17); EO 13777: [Enforcing the Regulatory Reform Agenda](#) (2/24/17); EO 13783: [Promoting Energy Independence and Economic Growth](#) (3/28/17); and, EO 13807: [Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure](#) (8/15/17).

To: Wood, Anna[Wood.Anna@epa.gov]; Wayland, Richard[Wayland.Richard@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Freeman, Caroline[Freeman.Caroline@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]
From: John Hornback
Sent: Thur 10/19/2017 12:25:52 AM
Subject: Southeastern Air Director Meeting - Agenda and Attendance Projections
Fall 2017 Air Dir Mtg Agenda V7 171017.docx

Attached is the current agenda for our meeting in two weeks. We are hopeful to compile some issues and questions for transmittal to you in advance of the meeting but that's a hope, not a promise, at this time. Forgive me if I am unable to collect desired information in advance, just in case response to my local/state agency solicitation is light.

AGENDA

- We are still filling some moderator slots in the attached agenda.
- Agenda topic titles are still subject to editing. Suggestions are invited.
- Some EPA speakers still need to be defined for certain sessions including the regional monitoring/data session.
- Chet, the sessions you will preside over will both be on Tuesday afternoon. I don't know what your travel schedule is but I'm hopeful you can stay for the regional monitoring and Q/A discussion and for dinner.
- Anna, I think we would like you to address the permit streamlining topic a bit in your session on Wednesday morning. I hope you can join us for dinner on Tuesday evening as well. There may be ghosts and goblins a-prowl that evening. ☺
- For both of you, Sean sends his regrets that his well-thought-out and deeply probing questions will be absent from this meeting. He is detained at home during this meeting.

ATTENDEES

- We expect the 8 states from Region 4 (AL, FL, GA, KY, MS, NC, SC, and TN) and 2 from Region 3 (VA and WV) to be represented during your session.
- There will also be 15 local agencies in attendance from major metropolitan areas in AL, FL, KY, NC, and TN.

- I expect a total of about 42 local/state agency staff to be present including 5 state directors and 13 local directors.
- I expect there will be 60-70 total attendees during this session counting an expected large contingent of regional EPA staff.
- You may bring your presentations on USB drives and/or send them to me in advance. I recommend bringing a copy just in case there's a glitch of some type.

Please let me know if you have questions or comments. Thanks. John.

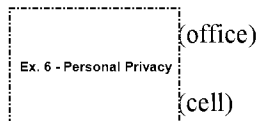
John E. Hornback

Executive Director

Metro 4/SESARM

205 Corporate Center Dr Ste D

Stockbridge GA 30281-7383



Region 4 Fall Air Directors' Meeting
Embassy Suites Centennial Olympic Park
Atlanta, Georgia
October 31, 2017 – November 2, 2017
AGENDA (Draft 10/17/2017)

(The SESARM Directors meet at 8:00 in Salons IV and V.)

(The Small Group Meeting with EPA convenes at 9:00 in Salons IV and V. Separate agenda TBD.)

Tuesday, October 31, 2017 General Session – Legacy Ballrooms D, E, F		
12:00 noon	Registration begins	
1:00 p.m.	Welcome, Introductions, Logistics	<i>John Hornback, Metro 4/SESARM</i>
1:15 p.m.	Welcome from US EPA Region 4	<i>Trey Glenn, Regional Administrator EPA Region 4</i>
1:45 p.m.	Welcome from GA EPD	<i>Richard Dunn, Director, GA EPD</i>
2:00 p.m.	Modeling /Regional Transport 2008/2015 Ozone NAAQS – National Perspectives	<i>Mike Abraczinskas (NC DAQ), Moderator Chet Wayland, EPA OAQPS</i>
2:45 p.m.	Break	
3:15 p.m.	Monitoring • National Perspectives	<i>***, Moderator Chet Wayland, EPA OAQPS</i>
3:45 p.m.	Monitoring • Regional Network Perspectives • DATA Quality Updates	<i>***, Moderator EPA Reg 4 APTMD staff Laura Ackerman, EPA Reg 4 SEDS</i>
4:30 p.m.	General session adjourns for the day	

(The Metro 4 Board/Membership Meeting begins in Salon I as the general session ends.)

Wednesday, November 1, 2017 General Session – Legacy Ballrooms D, E, F		
8:30 a.m.	EPA Region 4 APTMD Updates	<i>Corey Masuca (Jeff Co AL), Moderator Beverly Banister, EPA Reg 4 APTMD</i>
9:15 a.m.	• NAAQS and Regional Haze Standards and Implementation • Permit Streamlining Goals	<i>Lynne Liddington, moderator, Knox Co Anna Wood, EPA OAQPS</i>
10:15 a.m.	Break	
10:45 a.m.	NAAQS and Regional Haze Updates – Regional Perspectives • SIPs, Attainment/Nonattainment Issues • Start-ups, Shut-downs, Malfunctions • Landfill Rules • Air curtain Incinerator Permitting • Permitting Including Streamlining Opportunities	<i>Lynne Liddington (Knox Co), Moderator Scott Davis/staff, EPA Reg 4 APTMD</i>

11:45 a.m.	Lunch	
1:15 p.m.	What's on the Horizon for Transportation and Air Quality Planning	<i>John Hornback, Moderator Jaycie Chitwood or Tom Stricker Toyota Motor North America</i>
2:15 p.m.	Grants and Funding	<i>Karen Hays (GA), Moderator Carol Kemker (EPA Reg 4 APTMD) Stuart Perry (EPA Reg 4 APTMDO)</i>
3:00 p.m.	Break	
3:15 p.m.	Enforcement Priorities and Updates <ul style="list-style-type: none"> • 2017 statistics • 2018 priorities 	<i>Jason Howanitz (Jeff Co AL), Moderator Beverly Spagg/staff, EPA Reg 4 APTMD</i>
4:00 p.m.	Local/State Agency Highlights <ul style="list-style-type: none"> • Hillsborough County 50 Years • Use of Data to Evaluate Air Programs • Louisville APCD Initiatives Update • Florida Tag Fee Rule Update 	<i>???, Moderator Jerry Campbell, Hillsborough Co Jerry Campbell, Hillsborough Co Keith Talley, Louisville, KY Jeff Koerner, FL DARM</i>
5:00 p.m.	General session adjourns for the day	

Thursday, November 2, 2017 General Session – Legacy Ballrooms D, E, F		
8:15 a.m.	Honor Retiring Directors <ul style="list-style-type: none"> • Jerry Campbell, Hillsborough Co FL • Renee Parker, Orange Co FL 	<i>John Hornback, Moderator Others</i>
8:45 a.m.	<ul style="list-style-type: none"> • Energy Efficiency and Air Quality Compliance • Beneficial Electrification 	<i>???, Moderator Nancy Seidman Regulatory Assistance Project</i>
10:00 a.m.	Break	
10:30 a.m.	The Volkswagen Settlement	<i>Karen Hays (GA), Moderator Scott Davis, EPA Reg 4 APTMD</i>
10:45 a.m.	Any Unaddressed Topics	<i>John Hornback, Moderator All</i>
11:15 a.m.	<ul style="list-style-type: none"> • National Training Program Update • Southeastern Training Plan – FY 2018 • Future Workshops and Meetings • Closing Remarks 	<i>John Hornback, Metro 4/SESARM Doug Carson, Metro 4/SESARM</i>
11:45 a.m.	General session concludes	

*** If directors are interested in moderating highlighted sessions, please let us know. We have a potential staff person from a state agency on standby for the two Tuesday afternoon monitoring sessions but will offer the opportunity to one or two directors first, if there is an interest.

To: Wood, Anna[Wood.Ann@epa.gov]
From: Carrie Jenks
Sent: Wed 9/27/2017 11:49:18 PM
Subject: RE: follow-up note

Thank you very much. We will follow up if we have any questions and thank you for coming the other week. It was great to see you

Carrie

From: Johnson, Yvonne W [mailto:Johnson.Yvonnew@epa.gov] **On Behalf Of** Wood, Anna
Sent: Wednesday, September 27, 2017 10:38 AM
To: Carrie Jenks <cjenks@mjbbradley.com>
Cc: Wood, Anna <Wood.Ann@epa.gov>
Subject: follow-up note

Hello Carrie:

I enjoyed my recent visit with the Clean Energy Group. As a follow-up to that visit, below I am providing information on the revocation options and redesignation substitute as well as a link to EPA's Air Trends.

AIR TRENDS

The National Air Quality: Status and Trends of Key Air Pollutants website can be found at <https://www.epa.gov/air-trends>. From this site you can find the latest annual report as well as story maps for various pollutants.

REVOCATION

We proposed to retain our current approach (used to revoke 1997 and 2008 NAAQS) for the 2015 ozone NAAQS – it would revoke the 2008 NAAQS in all places for all purposes effective 1 year after effective date of 2015 nonattainment area designations, and establish protective antibacksliding requirements. This approach was challenged by env. petitioners on 2008 SRR so we proposed an alternative that would revoke the prior (2008) NAAQS only in those areas

designated attainment for that (2008) NAAQS 1 year after the effective date of 2015 nonattainment area designations. Prior (2008) NAAQS would continue to apply until area is redesignated to attainment for that NAAQS (this follows PM2.5 approach).

https://www.epa.gov/sites/production/files/2016-12/documents/2015_o3_imple_nprm_public_webinar.pdf

REDESIGNATION SUBSTITUTE

We proposed to retain our current approach for the 2015 ozone NAAQS. For the 2008 SRR, env. petitioners challenged the way in which EPA defined the implementation of “anti-backsliding” controls following revocation of the 1997 ozone standard, including the 2 mechanisms for lifting those controls: 1) the “redesignation substitute” (demo that revoked NAAQS was attained due to permanent/enforceable measures; will maintain over following 10 years); and 2) the lifting of anti-backsliding requirements for the revoked NAAQS when an area is redesignated to attainment of the more stringent revised NAAQS.

For additional discussion on these topics in a rulemaking context, please see the following:

2008 SRR final rule (80 FR 12264; March 6, 2015)

- [REDACTED] revocation discussed at 80 FR 12296
- [REDACTED] redesignation substitute discussed at 80 FR 12303

2015 SRR proposal (81 FR 81276; November 17, 2016)

- [REDACTED] revocation discussed at 81 FR 81286
- [REDACTED] redesignation substitute discussed at 81 FR 81290

Please note that the revocation options and redesignation substitute described above are being challenged by environmental petitioners in litigation on the 2008 Ozone State Implementation Requirements Rule (SRR) (oral arguments were presented on September 14, 2017 but nothing from the Court yet).

Please let me know if you have any additional questions and again thank you for a great visit.

Anna Marie Wood

Director, Air Quality Policy Division

OAQPS, U.S. EPA

109 T.W. Alexander Drive

Research Triangle Park, NC 27711

(919) 541-3604

To: hornback@metro4-sesarm.org[hornback@metro4-sesarm.org]; Banister, Beverly[Banister.Beverly@epa.gov]
Cc: Wood, Anna[Wood.Anna@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]
From: Wayland, Richard
Sent: Wed 10/25/2017 4:14:54 PM
Subject: RE: Small group topics

Thanks John. I am always interested in why folks can't do things as falling into 1 of 3 categories.... Can't because it is too challenging based on resources/capabilities, can't do it because they don't think it is necessary/required or can't do it because they don't understand what is being asked. I think we struggle to really get at the core reason many times and as such we never really know how to solve the problem. Looking forward to the discussion.

Richard A. "Chet" Wayland | Director | Air Quality Assessment Division - Mail Code C304-02 | Office of Air Quality Planning & Standards | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Desk: 919-541-4603 | Cell: Ex. 6 - Personal Privacy

From: John Hornback [mailto:hornback@metro4-sesarm.org]
Sent: Wednesday, October 25, 2017 12:10 PM
To: Wayland, Richard <Wayland.Richard@epa.gov>; Banister, Beverly <Banister.Beverly@epa.gov>
Cc: Wood, Anna <Wood.Anna@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Subject: RE: Small group topics

I will solicit their input on this during our discussions. Thanks.

John E. Hornback

Executive Director

Metro 4/SESARM

205 Corporate Center Dr Ste D

Stockbridge GA 30281-7383

Ex. 6 - Personal Privacy (office)

Ex. 6 - Personal Privacy cell)

From: Wayland, Richard [mailto:Wayland.Richard@epa.gov]
Sent: Wednesday, October 25, 2017 12:04 PM
To: Banister, Beverly; hornback@metro4-sesarm.org
Cc: Wood, Anna; Gettle, Jeaneanne
Subject: RE: Small group topics

I would also be interested in hearing from states as to why they feel they can't meet some of these requirements as nationally it is a hodge podge. Some states have no problem, other have issues, so just from the national perspective, what is holding some states back or what is helping others move forward and maybe we can share some stories to raise the tide.

Thanks

Chet

Richard A. "Chet" Wayland | Director | Air Quality Assessment Division - Mail Code C304-02 | Office of Air Quality Planning & Standards | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Desk: 919-541-4603 | Cell: Ex. 6 - Personal Privacy

From: Banister, Beverly
Sent: Wednesday, October 25, 2017 11:54 AM
To: hornback@metro4-sesarm.org
Cc: Wood, Anna <Wood.Ann@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Subject: RE: Small group topics

Thanks John. Jeaneanne and I will discuss how we can support our states/local agencies in getting approved QAPPs including a discussion on a straw of process that can move us from our current state to meeting the our joint goal of collecting data using approved QAPPs and SOPs.

As you shared this is a high priority for me and keeps me up at night. smile.

Beverly

From: John Hornback [<mailto:hornback@metro4-sesarm.org>]
Sent: Wednesday, October 25, 2017 11:14 AM
To: Banister, Beverly <Banister.Beverly@epa.gov>
Cc: Wood, Anna <Wood.Anna@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>
Subject: Small group topics

Potential topics for the small group discussions next Tuesday may include some or all of the following, listed in no particular order. This is an ambitious list and we may not get to all of them during the morning discussions. All of the “our item” topics should also be covered, at least briefly, during the combination of presentations by Chet, Anna, and Region 4 staff during the main meeting as well. I hope this information is helpful. Thanks. John.

YOUR ITEMS

- ✓ SO₂ designations process – some background, how states feel about efforts EPA has made more recently to work with the states, and what’s ahead.
- ✓ Monitoring QAPPS – this is a MAJOR concern for Beverly. Air toxics monitoring QAPPS are a particular concern. Most states reportedly do not have QAPPS approved. She indicates there is a lot of work still to do and she indicated there could be grant funding implications.

OUR ITEMS

2008 ozone NAAQS infrastructure SIPs, EPA’s current thinking, status of approvals in our region, suitability of EPA transport modeling for both 2008 and 2015 ozone infrastructure SIPs

Ozone designations, legal issues, and implications on the states surrounding EPA missing the October 1 date

- The NAAQS classification system – unclassifiable/attainment category – why it exists

and what it means

Details on potential alternate approaches to Clean Power Plan per the ANPR.

Recent EPA regional haze modeling and suitability for state RH SIPs

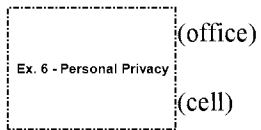
John E. Hornback

Executive Director

Metro 4/SESARM

205 Corporate Center Dr Ste D

Stockbridge GA 30281-7383



To: Wood, Anna[Wood.Ann@epa.gov]; Wayland, Richard[Wayland.Richard@epa.gov]
Cc: Michael Vince[Ex. 6 - Personal Privacy]
From: Theresa Pella
Sent: Tue 8/22/2017 9:41:12 PM
Subject: Re: CenSARA fall meeting draft agenda V3
1.0.Agenda fall 2017 meeting DRAFT3.docx

here's the latest draft, based on feedback from the regional offices, we can use for our prep call on Wednesday, August 30th, 10:30 am central.

The one thing mentioned that may not be on your radar is the NATA release item - if you need me to chase that topic down, let me know.

Theresa

Theresa Pella, Executive Director

Central States Air Resource Agencies Association (CenSARA)

P.O.Box 617, 707 N. Robinson Ave.

Oklahoma City, OK 73101

Ex. 6 - Personal Privacy office)
mobile)

tpella@censara.org

<http://www.censara.org>

From: Wood, Anna <Wood.Ann@epa.gov>
Sent: Friday, August 18, 2017 2:51 PM
To: Theresa Pella
Subject: RE: CenSARA fall meeting draft agenda V2

Hi Theresa, Yvonne has been out of the office and I do not expect her back next week, Please let me know if there is anything we should be looking at in my shop agenda-wise, thanks

From: Theresa Pella [mailto:tpella@censara.org]
Sent: Friday, August 18, 2017 9:50 AM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Bhesania, Amy <Bhesania.Amy@epa.gov>; Jay, Michael <Jay.Michael@epa.gov>; Smith, Mark A. <Smith.Marka@epa.gov>; Weber, Rebecca <Weber.Rebecca@epa.gov>; Wood, Anna <Wood.Anna@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>
Cc: Stanton, Marya <Stanton.Marya@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; Shar, Alan <shar.alan@epa.gov>; Verhalen, Frances <verhalen.frances@epa.gov>; Michael Vince <[REDACTED] Ex. 6 - Personal Privacy>
Subject: Re: CenSARA fall meeting draft agenda V2

Thanks for the quick feedback, Guy.

Theresa Pella, Executive Director

Central States Air Resource Agencies Association (CenSARA)

P.O.Box 617, 707 N. Robinson Ave.

Oklahoma City, OK 73101

[REDACTED] (office)
[REDACTED] (mobile)

tpella@censara.org

<http://www.censara.org>

From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Thursday, August 17, 2017 10:43 PM
To: Theresa Pella; Bhesania, Amy; Jay, Michael; Smith, Mark A.; Weber, Rebecca; Wood, Anna; Wayland, Richard
Cc: Stanton, Marya; Robinson, Jeffrey; Shar, Alan; Verhalen, Frances
Subject: RE: CenSARA fall meeting draft agenda V2

I don't think we have to add to the Regional session. We don't have anything new to share on

the FLIR camera.

We did think it might be good if Anna or Chet could touch on the coming NATA release. Including them to see if that would work.

From: Theresa Pella [<mailto:tpella@censara.org>]
Sent: Wednesday, August 16, 2017 8:05 AM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Bhesania, Amy <Bhesania.Amy@epa.gov>; Jay, Michael <Jay.Michael@epa.gov>; Smith, Mark A. <Smith.Marka@epa.gov>; Weber, Rebecca <Weber.Rebecca@epa.gov>
Subject: Re: CenSARA fall meeting draft agenda V2

Here's a revised draft based on the good call yesterday - please edit as you see necessary - great to hear back by the end of the week.

Theresa

Theresa Pella, Executive Director

Central States Air Resource Agencies Association (CenSARA)

P.O.Box 617, 707 N. Robinson Ave.

Oklahoma City, OK 73101

Ex. 6 - Personal Privacy	(office)
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From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Tuesday, August 15, 2017 9:58 AM
To: Theresa Pella
Cc: Bhesania, Amy; Jay, Michael; Smith, Mark A.; Weber, Rebecca
Subject: Re: rough draft agenda for CenSARA fall meeting for today's call at 10:00

Will be a few minutes late

Sent from my iPhone

On Aug 15, 2017, at 9:34 AM, Theresa Pella <tpella@censara.org> wrote:

call in info

Ex. 6 - Personal Privacy

talk to you soon!

Theresa Pella, Executive Director

Central States Air Resource Agencies Association (CenSARA)

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Oklahoma City, OK 73101

Ex. 6 - Personal Privacy

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<http://www.censara.org>

<1.0.Agenda_fall 2017 meeting_DRAFT1.docx>

State/EPA Regions 6 and 7 Air Directors' Meeting and CenSARA Business Meeting
The Chase Park Plaza
212 N. Kingshighway Blvd., St. Louis, MO 63108
Tuesday, October 10 –Thursday, October 12, 2017

To register for the meeting (\$0 fee), click on the link in Upcoming Events - <http://www.censara.org>
If you experience issues, please email Ron at rhensley@censara.org

To access presentations: TBD

Conference Call info: Ex. 6 - Personal Privacy Passcode Ex. 6 - Personal Privacy
(please keep the phone on mute (not hold) unless speaking)

Attire: Business Casual

Day 1: Tuesday afternoon, October 10, 2017 (EPA/States Session)			
TIME (CENTRAL)	TOPIC	LEAD(S)	HANDOUT ITEM #
12:30-1:00 pm	Registration		
1:00-1:30 pm	Welcome and review of agenda for State/EPA Regions 6 and 7 Air Directors' Meeting	Eddie Terrill, CenSARA Board Chair Guy Donaldson, Associate Director for Air Programs, EPA, Region 6, Becky Weber, Director, Air and Waste Management Div., EPA, Region 7	1.0 (agenda) 1.1 (ECOS' Cooperative Federalism 2.0 paper)
1:30 – 1:40 pm	Region-wide topics: 2.0 - Update on CAA Section 105 Allocation formula	Leads: 2.0 – Amy Bhesania, R7	
1:40 – 2:00 pm	2.1 – SIP backlogs, Lean Action effort, and tools	2.1 - Amy Bhesania, R7 and Guy Donaldson, R6	
2:00 – 2:20 pm	2.2 - Operating permits backlogs	2.2 – Rick Brunetti, KDHE and Mark Smith, R7	
2:20 – 2:40 pm	2.3 - Other permit and/or compliance priorities	2.3 – Mark Smith, R7	
2:40 – 3:00 pm	2.4 - Overview of Arkansas regulatory streamlining pilot project results and lessons learned	2.4 – Will Montgomery and Tricia Treece, ADEQ	
3:00-3:15 pm	Break		
3:15 – 3:40 pm	Region-wide topics, continued 2.5 – Update on Phase I Regional Haze SIPs	2.5 – Guy Donaldson, R6 and ?? R7	
3:40 – 4:00 pm	2.6 – Update on Kansas' Smoke Management Program	2.6 – Mike Jay, R7 and KS??	
4:00 – 4:15 pm	2.7 – Updates on 2010 SO2 NAAQS designations and SIPs	2.7 – All	
4:15 – 4:30 pm	2.8 – Region 7 and ORD citizen science research project	2.8 – Amy Bhesania, R7	
4:30 – 4:50 pm	2.9 – Opportunities for utilizing VW settlement and DERA funds	2.9 – Amy Bhesania, R7	
4:50-5:00 pm	Wrap up and action items	CenSARA	

6:00 pm	No host dinner –TBD		

Day 2: Wednesday morning, October 11, 2017 (EPA/States Session, cont.)			
TIME (CENTRAL)	TOPIC	LEAD(S)	HANDOUT ITEM #
8:15 – 8:30 am	Welcome and review of agenda for State/EPA Regions 6 and 7 Air Directors' Meeting	Eddie Terrill, CenSARA Board Chair	
8:30 - 10:30 am	<p>Focused OAQPS program/rule/technical topics <i>Potential topics could include:</i></p> <p>Update on EPA Administration priorities</p> <p>2015 Ozone NAAQS designations and I-SIPs (2008 and 2015 NAAQS)</p> <p>E-Enterprise air quality project achievements to date</p> <p>SPeCs for SIPs</p> <p>SSM SIP revisions (on hold as of 8/14) – next steps</p> <p>EE demos</p> <p>NATA release</p> <p>Status of Appendix W legal issues</p>	Anna Marie Wood, Director, Air Quality Policy Division, OAQPS and Chet Wayland, Director, Air Quality Assessment Division, OAQPS	
10:30 - 10:45 am	Break		
10:45 - 11:15 am	Phase II Regional Haze SIPs	All	
11:15 am - 12:30 pm	<p>State/Local updates – highlights of what your agency has been/is focusing on (following are suggestions only)</p> <ul style="list-style-type: none"> • Recent legislation • State administration air quality priorities • Status of state resources (funding, staff, etc.) • 		
12:30 – 1:00 pm	Wrap up for EPA/States Session	<p>Eddie Terrill, CenSARA Board Chair</p> <p>Guy Donaldson, Associate Director for Air Programs, EPA, Region 6,</p> <p>Becky Weber, Director, Air and Waste Management Div., EPA, Region 7</p>	
1:00 – 2:00 pm	Lunch		

<i>Day 2: Wednesday afternoon, October 11, 2017 (Members Only Session)</i>			
TIME (CENTRAL)	TOPIC	LEAD (S)	HANDOUT ITEM #
2:00 - 3:30 pm	CenSARA membership only roundtable discussions – potential topics include: <ul style="list-style-type: none"> • Budget constraints • National Training Strategy and EPA funding • Volkswagen Settlement outreach/stakeholder updates • SO2 monitoring at industrial parks • New software programs/apps may be piloting • Other topics 	All	
3:30-3:45 pm	September conference call minutes – review and BOD action	CenSARA Board	
3:45 – 4:30 pm	Board of Directors executive session – conversation with the new Executive Director	CenSARA Board	
4:30 pm	Adjourn for the day		

CENSARA BUSINESS MEETING
Thursday, October 12, 2017

TIME (CENTRAL)	TOPIC	TOPIC LEADER(S)	HANDOUT ITEM #
8:30-8:45 am	Welcome	Eddie Terrill, Board Chair	
8:45-9:15 am	CenSARA FY17 accomplishments: Training Technical Work Financial statement	Ron Hensley, Training Director Theresa Pella, Outgoing Executive Director DeAnna Scofield, Office/Grant Manager	
9:15-9:45 am	CenSARA FY18 Budget and draft Workplan – review and BOD action	All	
9:45-10:15 am	Updates regarding other regional/national organizations (ex: CAAAC, CASAC, NACAA, AAPCA, ECOS, etc.)	All	
10:15-10:30 am	Election of Officers – BOD action	Board of Directors	
10:30-11:00 am	Meeting summary and action items	CenSARA	
11:00 am	Adjourn	Incoming CenSARA Board Chair	

From: Clint Woods
Location: Call-In Number [Ex. 6 - Personal Privacy](#) Paccode: [Ex. 6 - Personal Privacy](#)
Importance: Normal
Subject: EPA - AAPCA Call on Permitting (Hosted by Permitting & NSR Committee)
Start Date/Time: Wed 8/30/2017 7:00:00 PM
End Date/Time: Wed 8/30/2017 8:00:00 PM
[AAPCA Permitting Reform Call Agenda and Key Agency Issues 8-29-2017.pdf](#)

...

8/29 update – Below and attached (PDF) is our proposed agenda for the August 30 call with AAPCA’s Permitting/NSR Committee

AAPCA Member Call with U.S. EPA on Interagency Permitting Reforms

Hosted by Permitting/NSR Committee

Wednesday, August 30, 3:00 – 4:00 PM Eastern

Call-in information: [Ex. 6 - Personal Privacy](#) **Passcode:** [Ex. 6 - Personal Privacy](#)

Proposed Agenda:

1. **Welcome / Roll Call**
2. **U.S. EPA Updates on Interagency Permitting Reforms** (*see background information at bottom of agenda)
3. **Key AAPCA Member Issues Raised in Recent Comments** (most of these comments are taken from AAPCA July 2017 report, *The State of Regulatory Reform: Navigating State Perspectives on Clean Air Act Regulations Under Executive Order 13777*)

Title V Review / Petitions Process

- Sample comment: “Responses to a review of a proposed permit that deviates from the Act leads to uncertainty to the public, the State authority, and the applicant as to where the permit stands and, specifically, if the permit can be issued without threat from EPA veto.” – North Carolina DAQ, [comments](#) on U.S. EPA’s Regulatory Reform, Attachment (pg. 33)
- AAPCA member comments on U.S. EPA’s proposed “Revisions to the Title V Permitting Program Regulations to Improve the Petitions Process”: [Alabama DEM](#); [Arkansas DEQ](#); [Georgia EPD](#); [Nevada DEP](#); [North Carolina DEQ](#); [South Carolina DHEC](#); [Texas CEQ](#); [Virginia DEQ](#); [Wyoming DEQ](#)
- [Comments on U.S. EPA’s Regulatory Reform: AAPCA](#), pg. 4; [Georgia EPD](#), pg. 3; [North Carolina DAQ](#), pg. 33; [Ohio EPA](#), pg. 3

Unimplemented Recommendations from 2004 – 2006 Title V Task Force

- Sample comment: “In 2004, the Clean Air Act Advisory Committee (CAAAC) established a Task Force on Title V Implementation Experience.... U.S. EPA should examine this report and move forward with recommendations to provide the much needed improvement to the Title V permit system” – Ohio EPA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 3
- Report: Title V Task Force, *Final Report to the Clean Air Act Advisory Committee on the Title V Implementation Experience*, April 2006.

Prevention of Significant Deterioration (PSD) permit review

- Sample comment: “Currently, Regional offices are reviewing each PSD permit application processed by the State. Typically, comments and suggestions from the region do not result in any modification of the proposed permit. Reviewing and responding to these minor comments and suggestions requires extra time from the

permitting staff and often unnecessarily holds up timely issuance of the permits.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 6

Prevention of Significant Deterioration (PSD) modeling review

- Sample comment: “EPA Regional staff typically review each PSD modeling review. Often, the staff modelers are required to spend significant time in discussion with EPA regarding the modeling review or addressing comments, yet significant changes rarely result from these discussions.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 7

New Source Review (NSR) permitting

- Sample comment: “Specific suggestions to adjust NSR permitting include: removal of volatile organic compound (VOC) requirements in areas with oxides of nitrogen limits under New Source Review (NSR); modifications to PSD and NSR that consider environmentally beneficial projects; and providing a clean unit exemption.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 7

Title V Permitting Requirements for Air Curtain Incinerators/Destructors

- Sample comment: “Regulation with unnecessarily burdensome requirements for owners/operators.” – [AAPCA](#), , pg. 4
- Other relevant comments: [Arizona DEQ](#), pg. 1; [Georgia EPD](#), pg. 1 – 2; [Maine DEP](#), pg. 1, 3-5; [North Carolina DAQ](#), pg. 6-7; [South Carolina DHEC](#), pg. 2 – 3; [ECOS](#), pg. 2; [NESCAUM](#), pg. 2

Title V permitting requirements, as found in 40 CFR 70.3 and the National Emissions Standards for Hazardous Air Pollutants for Source Categories (40 CFR 63)

- Sample comment: “Overly burdensome and costly for area sources that are required to obtain and maintain Title V operating permits.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 4
- Other relevant comments: [Arizona DEQ](#), Attachment, pg. 2; [Arkansas DEQ](#), pg. 9; [Maine DEP](#), pg. 17; [Nevada DEP](#), pg. 2; [South Carolina DHEC](#), pg. 2 – 3

Title V Annual Compliance Certifications

- Sample comment: “Title V Annual Compliance Certifications required by 40 CFR 70.6(c) are redundant to the reporting requirements contained elsewhere in the permit and unnecessarily burdensome. EPD spends approximately 1,000 staff hours annually reviewing the certifications.” – Georgia EPD, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 3

Revisions to the Public Notice Provisions in Clean Air Act Permitting Programs

- Sample comment: “Air agencies provided comment on this proposal, and there may be other areas in which EPA should explore electronic notice options.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 4
- See AAPCA member comments on the proposed revisions: [Georgia EPD](#); [Kentucky DAQ](#); [Ohio EPA](#); [South Carolina DHEC](#); [Texas CEQ](#); [Virginia DEQ](#); [Wyoming DEQ](#)

“Once In, Always In” Policy for Major Source Maximum Available Control Technology Standards

- Sample comment: “The current policy requires sources that are subject to a major source MACT to always be subject to that MACT standard, even if their emissions are later reduced below major source levels of HAPs, limiting the incentive for industry to reduce emissions or find alternative materials.” – AAPCA, [comments](#) on U.S. EPA’s Regulatory Reform, pg. 4

- Other relevant comments: [Arizona DEQ](#), Attachment (pg. 1); [Georgia EPD](#), pg. 1; [Maine DEP](#), pg. 1, 3 – 5; [North Carolina DAQ](#), pg. 36; [Ohio EPA](#), pg. 6 – 7

NAAQS Implementation / Permit Grandfathering

See relevant comments from AAPCA members on:

- U.S. EPA's proposed Implementation Rule for the 2015 Ozone NAAQS: [Arizona DEQ](#); [Georgia EPD](#); [Kentucky DEP](#); [Ohio EPA](#); [Nevada DEP](#); [North Carolina DEQ](#); [South Carolina DHEC](#); [Texas CEQ](#); [Virginia DEQ](#); [Wyoming DEQ](#)
- U.S. EPA's proposed 2015 Ozone NAAQS: [Alabama DEM](#); [Florida DEP](#); [Georgia EPD](#); [Indiana DEM](#); [Kentucky DEP](#); [Louisiana DEQ](#); [Mississippi DEQ](#); [Nevada DEP](#); [North Carolina DAQ](#); [North Dakota DAQ](#); [Ohio EPA](#) (Appendices A-F and G-I); [South Carolina DHEC](#); [Tennessee DAPC](#); [Texas CEQ](#); [Virginia DEQ](#); [West Virginia DAQ](#); [Wyoming AQD](#)

4. U.S. EPA update on Draft Title V Fee Guidance Documents (Feedback due September 20)

- “[Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70](#)” (Title V Evaluation Guidance)
- “[Updated Guidance on EPA Review of Fee Schedules for Operating Permit Programs under Title V](#)” (Updated Fee Schedule Guidance)

5. Other Questions and Comments

6. Adjourn

*Background Information:

- Presidential Memorandum: [Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing](#) (January 24, 2017);
- In March 2017, the U.S. Department of Commerce issued a [request for information](#), “Impact of Federal Regulations on Domestic Manufacturing.”;
- Relevant Executive Orders: EO 13766: [Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects](#) (1/24/17); EO 13771: [Reducing Regulation and Controlling Regulatory Costs](#) (1/30/17); EO 13777: [Enforcing the Regulatory Reform Agenda](#) (2/24/17); EO 13783: [Promoting Energy Independence and Economic Growth](#) (3/28/17); and, EO 13807: [Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure](#) (8/15/17).

From: Kelly Poole
To: Wood, Anna; South, Mia; Evans, Ron
Sent: 9/21/2017 10:02:41 PM
Subject: SPeCS Poster
Attachments: Woods-2017AAPCASlides_NAAQS_Final.pdf

Hi all,

Would it be possible for me to get the following slide deck as a powerpoint file - or at least get slide # 29 as a powerpoint file.

I'd like to have it printed as a poster to set on the table at the NACAA meeting.

If I could get it tomorrow (Friday) - I can have it printed in Seattle.

Thanks!

Kelly Poole, JD
Project Manager
Environmental Council of the States
50 F Street NW, Suite 350
Washington, DC 20001

Ex. 6 - Personal Privacy
kpoole@ecos.org

NAAQS AND OTHER IMPLEMENTATION UPDATES

Anna Marie Wood, Director
Air Quality Policy Division
OAQPS, U.S. EPA
AAPCA Fall Meeting
September 21, 2017



OVERVIEW

- NAAQS Implementation Updates
 - Ozone
 - Fine Particulate Matter (PM_{2.5})
- Exceptional Events
- Transport
- Regional Haze
- Startup, Shutdown, and Malfunction (SSM) Policy for SIPs and SIP Call
- NSR and Title V Permitting Updates
- Reducing the SIP Backlog
- State Plan Electronic Collections System for SIPs



2008 Ozone NAAQS Implementation

- **Final Implementation of the 2008 NAAQS for Ozone: State Implementation Plan Requirements Rule** published March 6, 2015 (80 FR 12264)
 - Provides interpretive rules and guidance on nearly all aspects of the attainment planning requirements for designated nonattainment areas
 - Revoked the 1997 NAAQS (effective April 6, 2015) and established anti-backsliding requirements
 - Litigation underway; oral arguments took place on September 14, 2017
- **Key implementation dates for nonattainment areas:**
 - Emissions inventories, emissions statement rules and RACT SIPs due July 2014
 - Attainment plans and demonstrations due July 2015 (Moderate) or July 2016 (Serious and above)
 - Marginal area attainment date July 20, 2015 (attainment determined by 2012-2014 air quality data)
 - Moderate area attainment date July 20, 2018 (2015-2017 air quality data)
- EPA continues to take action, as necessary, to review required SIPs submitted by states and to determine whether nonattainment areas are attaining the 2008 standard by their respective attainment dates



2008 Ozone NAAQS Implementation: Litigation

- South Coast Air Quality Management District and environmental petitioners (Sierra Club *et al.*) challenged various aspects of the 2008 Ozone NAAQS SIP Requirements Rule, including creditability of reasonable further progress (RFP) control measures, revocation of 1997 NAAQS and application of regulatory anti-backsliding requirement. (Oral arguments held September 14, 2017.)
- On January 13, 2017, in response to a complaint filed by environmental petitioners, the EPA found that 15 states and the District of Columbia failed to submit certain SIP revisions required under the 2008 ozone NAAQS (82 FR 9158; February 3, 2017; effective March 6, 2017).
 - The finding of failure to submit action gives formal notice to affected parties, and establishes deadlines by which they either must submit complete SIP revisions or become subject to mandatory sanctions.
 - EPA also entered into a Consent Decree with the petitioners on January 19, 2017, which sets deadlines for EPA to complete final actions on SIP submittals by various dates ranging from June 2017 to July 2018.
- On July 27, 2017, the Center for Biological Diversity and the Center for Environmental Health filed a Notice of Intent to sue for EPA's alleged failure to make a failure of finding to submit for various SIP submittals required for 2008 ozone NAAQS nonattainment areas reclassified to Moderate in 2016.



Progress on Ozone NAAQS Attainment

(as of August 2017)

	1997 NAAQS (2004 Designations)	2008 NAAQS (2012 Designations)
Initial Nonattainment Areas	115	46
Areas Redesignated to Attainment	80 (prior to revocation)	8
Current Nonattainment Areas	35	38
Clean Data Determinations	26	18*
Redesignation Substitutes	2	n/a
Reclassifications to Higher Classification	n/a after revocation	13

*Includes 15 Marginal area determinations of attainment by the attainment date and 3 Moderate area clean data determinations.



2015 Ozone NAAQS: Implementation Related Rules/Guidance/Activities

- **Final National Ambient Air Quality Standards for Ozone Rule** signed October 1, 2015 (80 FR 65292), revising the primary and secondary 8-hour ozone standards to 0.070 ppm
 - Litigation on the level of the standard is being held in abeyance while EPA reviews the 2015 rule to determine whether the standards should be maintained, modified, or otherwise reconsidered
- **Proposed Rule: Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements** published November 17, 2016 (81 FR 81276)
 - Proposed rule comment period closed February 13, 2017; timing of final rule TBD
- **The statutory deadline for designations is October 1, 2017**
 - The EPA Administrator may determine that an extension of time to complete designations, as permitted by the CAA, is necessary



2006 PM_{2.5} NAAQS Implementation

- On May 10, 2017 (82 FR 21711), **EPA finalized Notice of Determinations of Attainment/Findings of Failure**
 - Determinations of attainment for 7 areas
 - Findings of failure to attain by the December 31, 2015 attainment date, and reclassification to Serious for 3 areas
- Serious area attainment date is December 31, 2019
 - Extension up to December 31, 2024 is possible if cannot demonstrate attainment by 2019. Requires Most Stringent Measures in any state
- EPA finalized two 1-year attainment date extensions for the Logan, UT-ID nonattainment area to December 31, 2017 (final actions signed in August 2017)
- EPA is working to take final action this year on a number of submitted Moderate area plans and will continue to work with states developing Serious area plans to address air quality challenges



PM_{2.5} NAAQS Implementation: SIP Requirements Rule

- **PM_{2.5} NAAQS SIP Requirements Rule finalized on August 24, 2016 (81 FR 58010)**
 - Provided framework for planning requirements for 2012 and future PM_{2.5} NAAQS and informs implementation for areas still violating 1997 and/or 2006 PM_{2.5} NAAQS
- **November 2016 EPA issued draft PM_{2.5} Precursor Demonstration Guidance**
 - Recommends technical approaches for precursor demonstrations to assess whether air quality impact from a particular precursor can be considered to be insignificant in a given area
 - Comment period was extended to March 31, 2017; EPA is considering comments; revised guidance timing is TBD
- **South Coast Air Quality Management District filed suit challenging whether EPA erred by requiring in the PM_{2.5} NAAQS SIP Requirements Rule that emissions reductions for RFP come from sources within the nonattainment area (consistent with past court decision)**
 - Litigation is held in abeyance until a decision is made on a similar challenge on the 2008 Ozone Implementation Rule, for which oral arguments took place on September 14, 2017



2012 PM_{2.5} NAAQS Implementation

- **EPA revised the PM_{2.5} NAAQS primary annual PM_{2.5} standard to 12µg/m³ on December 14, 2012 (78 FR 3086)**
 - Nine Moderate nonattainment areas were designated in 2015
 - Moderate area attainment plan due date- October 2016
 - Moderate area attainment date- December 31, 2021
 - Serious area attainment date - December 31, 2025
- On August 3, 2017, the Center for Biological Diversity, Center for Environmental Health and the Clean Air Council informed the EPA of their intent to sue for the alleged failure to make a finding of failure to submit for certain nonattainment areas for the 2012 PM_{2.5} NAAQS



Progress on PM_{2.5} NAAQS Attainment

(as of August 2017)

	1997 PM _{2.5} (2005 Designations)	2006 PM _{2.5} (2009 Designations)	2012 PM _{2.5} (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	32	16	0
Current Nonattainment Areas	7	16	9
Clean Data Determinations	5	9	1
Proposed Redesignations	0	0	0



Exceptional Events

- **On September 16, 2016, the EPA finalized the 2016 Revisions to the Exceptional Events Rule**, which addresses issues raised by stakeholders, increases the administrative efficiency, and reduces the burden of the Exceptional Event demonstrations process
 - <https://www.epa.gov/air-quality-analysis/treatment-data-influenced-exceptional-events>
 - Rule effective date was September 30, 2016; published in Federal Register on October 3, 2016 (81 FR 68216)
 - NRDC/Sierra Club has challenged the rule's natural event definition, which can include reasonably controlled anthropogenic sources – currently being briefed before D.C. Circuit Court
- So far in 2017, EPA has concurred on three demonstrations on ozone (CT, Ute Tribe, Washoe County)
- EPA continues to be engaged with stakeholders to seek feedback and identify opportunities to improve process and efficiency – our goal is continuous improvement
- We are interested in feedback regarding tools/resources to facilitate implementation of the rule revisions and realize all potential burden reductions



Coordination, Collaboration, and Communication—ALL CRITICAL!!!

- The **Initial Notification Process** should enable early engagement to establish mutual expectations to “right size” effort and assess the purpose for the data exclusion and what is needed for approvable demonstration based on the rule.
- EPA intends to conduct initial review of demonstrations within 120 days of submission, complete review within 12 months, and defer demonstrations that do not have regulatory significance within 60 days.
- Mitigation plan elements are intended to balance public notification of air quality and resources. Plans have minimum elements and must undergo public notice/comment; however, areas can leverage other plans/resources for mitigation plan elements.



Exceptional Events Implementation: Next Steps

- The 2016 rule revisions and final wildfire/ozone guidance were needed first steps, efficient and coordinated implementation is also critical. What is next?
- Continued development of exceptional events tools
 - Templates
 - Website updates
 - AQS modifications to reflect rule revisions guided by feedback from newly created AQS workgroup
 - Standardized metrics and tracking
 - Targeted efforts with FLMs– communications and tools
 - Best practices for multi-state exceptional events demonstrations
- Possible Additional Implementation Materials
 - Revisions to 2013 *Interim Exceptional Events Guidance Documents*
 - Stratospheric Ozone Intrusion Document
 - Alternate Paths for Data Exclusion Document
 - Prescribed Fire/Ozone Document
- EPA plans to transition to national electronic tracking system for exceptional events (similar to SPeCs for SIPs) in 2018



Exceptional Events Implementation: Available Resources

- Exceptional Events website at <http://www2.epa.gov/air-quality-analysis/treatment-data-influenced-exceptional-events>
- Quick reference guide for exceptional events demonstrations
- Examples of reviewed exceptional event submissions
- Best practices documents
- Links to publicly available support information and tools
- Links to rule and guidance resources
 - Final rule
 - Final wildfire/ozone guidance
 - Fact sheets
 - 2013 interim guidance documents



Ozone Transport

- Congress established multiple CAA provisions that can be used to address interstate transport of air pollutants that are contributing to nonattainment or interfering with maintenance of NAAQS: section 110(a)(2)(D)(i)(I) (also known as the “good neighbor” provision), section 126 and section 176A
- The CAA envisions a SIP-led process; EPA is focused on a SIP first approach wherever possible
- States have asked EPA for information and guidance to enable states to develop approvable and timely transport SIPs to address regional (multi-state) air quality problems



Good Neighbor Transport SIPs for Ozone NAAQS

- **Section 110(a)(2)(D)(i)(I)** – (the “good neighbor” provision) requires upwind states to implement a share of the emission reductions needed for downwind areas to attain and maintain the NAAQS
- **Outstanding good neighbor obligations for the 2008 ozone NAAQS**
 - CSAPR Update was a partial remedy for 21 eastern states (full remedy for TN).
 - AL, AR, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NJ, NY, OH, OK, PA, TX, VA, WV, and WI
 - CSAPR Update Rule did not address 2008 transport obligations for western states
 - There are 24 states for which EPA does not have a pending SIP and continues to have a FIP obligation.
 - * Kentucky – EPA is under a court-ordered deadline of June 30, 2018 for a full FIP; however, EPA can moot the FIP obligation if it fully approves a SIP from KY
 - * For other states, EPA has statutory FIP deadlines ranging from August 2017 to March 2019.
 - EPA is currently developing updated interstate ozone transport modeling using an analytic year of 2023 and hosted conference calls with MJOs and states in August to discuss plans for this modeling.





Clean Air Act Section 126

Petitioning State	Response Deadlines	Named EGU Sources	Ozone NAAQS Cited
CT ¹	1/25/17	Brunner Island, PA	2008
DE (4 petitions)	3/5/17 4/7/17 7/9/17 8/3/17	1. Brunner Island, PA 2. Harrison, WV 3. Homer City, PA 4. Conemaugh, PA	2008 and 2015
MD ²	7/15/17	36 EGUs at 19 facilities in IN, KY, OH, PA and WV	Emphasized 2008

¹On May 16, 2017, CT filed a mandatory duty suit in the U.S. District Court in Connecticut for EPA's failure to respond to its 126 petition by the January 2017 deadline. Sierra Club and the Connecticut Fund for the Environment have intervened as plaintiffs

²On July 20, 2017, MD provided its notice of intent to sue for EPA's failure to respond to its 126 petition. Several environmental groups have also provided notice of their intent to sue on the same petition.

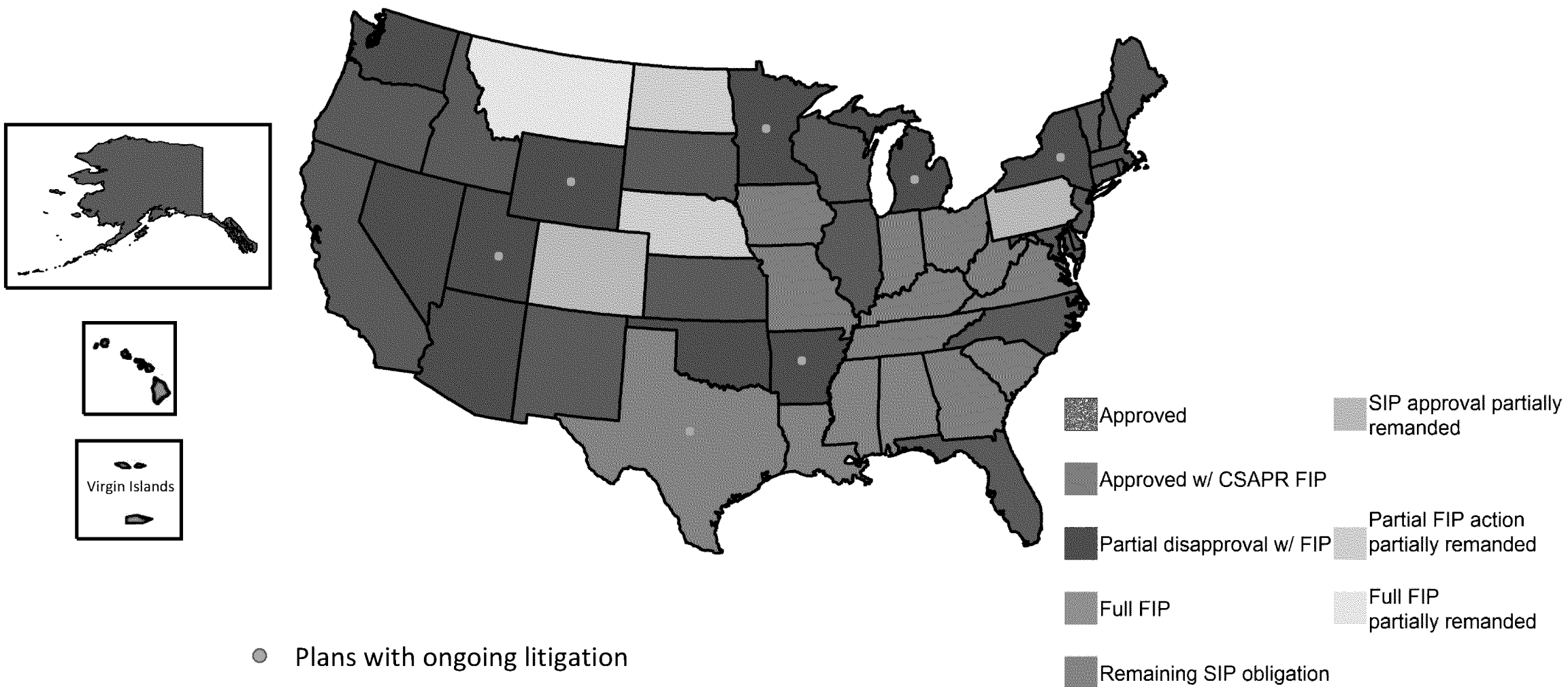


Cross-State Air Pollution Rule

- CSAPR (finalized July 2011) addresses interstate transport obligations for the 1997 ozone NAAQS (and the 1997 and 2006 PM_{2.5} NAAQS)
- CSAPR Update (finalized September 7, 2016) updates CSAPR ozone season program by addressing summertime transport of ozone for the 2008 ozone NAAQS in the eastern US
 - Covers 22 eastern states and sets power sector ozone season NO_x emission budgets for each covered state starting with the 2017 ozone season (May 1, 2017)
 - Establishes a new ozone season NO_x allowance trading program for CSAPR Update states
 - Facilitates a smooth transition by creating a starting bank of allowances, converted from 2015-2016 allowances banked under the original CSAPR ozone season NO_x trading program
 - Responds to the July 2015 D.C. Circuit remand of CSAPR Phase 2 ozone season emission budgets for 11 states. EPA is also working to respond to the remand of the Phase 2 SO₂ emissions budgets. In November 2016, EPA proposed action and we expect to finalize action very soon.
 - Additional information at <http://www.epa.gov/airmarkets/final-cross-state-air-pollution-rule-update>
 - Legal challenges to the CSAPR Update are currently pending in the United States Court of Appeals for the D.C. Circuit. Petitioners' briefs were filed on September 18, 2017 (EPA's brief is due December 18, 2017).



Regional Haze: Status of Actions from First Implementation Period



Regional Haze Looking Forward: Planning for the Next Cycle of SIPs

- **Rule revisions were finalized on January 10, 2017 (82 FR 3078):**
 - Petitions for review were filed in the D.C. Circuit as well as petitions for reconsideration
- **On July 8, 2016 (81 FR 44608), EPA released draft guidance for two key aspects of the program:**
 - 1) Visibility Tracking— Tracking visibility progress based on impacts from controllable, anthropogenic emissions instead of all sources
 - 2) Reasonable Progress (RP) Guidelines— Guidance for evaluating the statutory factors and making decisions on RP controls
- EPA is currently considering public comments as we work to finalize the guidance document
- Timing for final guidance document: TBD



SSM SIP Call under Policy Review

- Final SSM SIP Action of 2015 concerned SIP provisions for treatment of excess emissions occurring during periods of startup, shutdown and malfunction (SSM)
 - Restated EPA's SSM Policy as it applied to SIPs with one change regarding affirmative defense (AD) provisions
 - Included SSM SIP Call that applied to 36 states (45 jurisdictions)
- Judicial review of the SSM Action is pending before the D.C. Circuit, but case is currently being held in abeyance to allow for review by the new administration



Permit Streamlining Executive Actions

- Several executive actions related to permit streamlining:
 - Jan. 24, 2017 Presidential Memorandum “Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing
 - E.O. 13777 “Enforcing the Regulatory Reform Agenda”
 - E.O. 13783 “Promoting Energy Independence and Economic Growth”
 - E.O. 13766 “Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects”
 - July 19, 2017 Order “Establishing a Presidential Advisory Council on Infrastructure”
- Many comments on Clean Air Act permitting from a variety of stakeholders were received through the public outreach regarding the first two executive actions listed here
- EPA is reviewing the feedback and considering the best approaches for moving forward with permit streamlining in light of the various executive orders and corresponding priorities



Title V Permitting

- On August 24, 2016, proposed the **Revisions to the Petition Provisions of the Title V Permitting Program** to increase transparency and stakeholder understanding of the petition process, as well as ensure that the Agency is able to efficiently address related programmatic and air quality issues (81 FR 57822)
 - The comment period closed on October 24, 2016 and EPA is in the process of reviewing the comments received. Timing: TBD
- On August 26, 2016, EPA proposed the **Revisions to the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Permitting Regulations and Establishment of a Significant Emissions Rate (SER) for GHG Emissions Under the PSD Program** (81 FR 68110)
 - The public comment period closed on December 16, 2016 and EPA is currently reviewing comments. Timing: TBD



Title V Permitting

- Title V Program and Fee Evaluation Guidance
 - Satisfies EPA commitments to 2014 Office of Inspector General (OIG) report recommending enhanced oversight of state and local title V program fee practices
 - * Guidance for EPA regions on conducting state and local title V program and fee evaluations
 - Discretionary for EPA regions and no specific requirements for state programs
 - Consistent with the principles and best practices for oversight of state permitting programs contained in the August 30, 2016 document *“Principles and Best Practices for Oversight of State Permitting Programs”*, developed by EPA’s CrossMedia State Programs Health and Integrity Workgroup
- Timing: anticipate issuing final guidance in late 2017



Guidance on Significant Impact Levels (SILs) for Ozone and PM_{2.5} in the Prevention of Significant Deterioration Permitting Program

- Draft guidance recommends SILs for Ozone and PM_{2.5}
 - A SIL is a compliance demonstration tool to help determine whether a proposed PSD source causes or contributes to a violation of the NAAQS or PSD increment
 - If a PSD applicant can show through air quality modeling that the projected impact from a proposed source is less than a SIL value for a particular pollutant, the permitting authority can conclude that the proposed source will not cause or contribute to a violation of a NAAQS or a PSD increment for that pollutant
- Draft guidance comment period from August 1, 2016 through September 30, 2016; comments under consideration
- Timing for final guidance issuance – TBD



SIP Processing Improvements

- EPA remains committed to reducing the SIP backlog and improving SIP processing times
- Trends in SIP processing:
 - Total pending SIPs reduced by 38% (between October 2013 and August 2017)
 - Historic backlogged SIPs reduced by 78% (between October 2013 and August 2017)
- SIP management improvement efforts ongoing
 - SIP management plans continue to provide opportunities for EPA regional offices and states to engage on setting SIP action priorities
 - EPA emphasizing early engagement with air agencies
 - EPA maintaining emphasis on internal SIP processing improvements
 - Identification and implementation of best practices in SIP processing and collaboration between states and EPA will help ensure continuous improvement
 - Significant investment in IT improvements will also contribute in this area

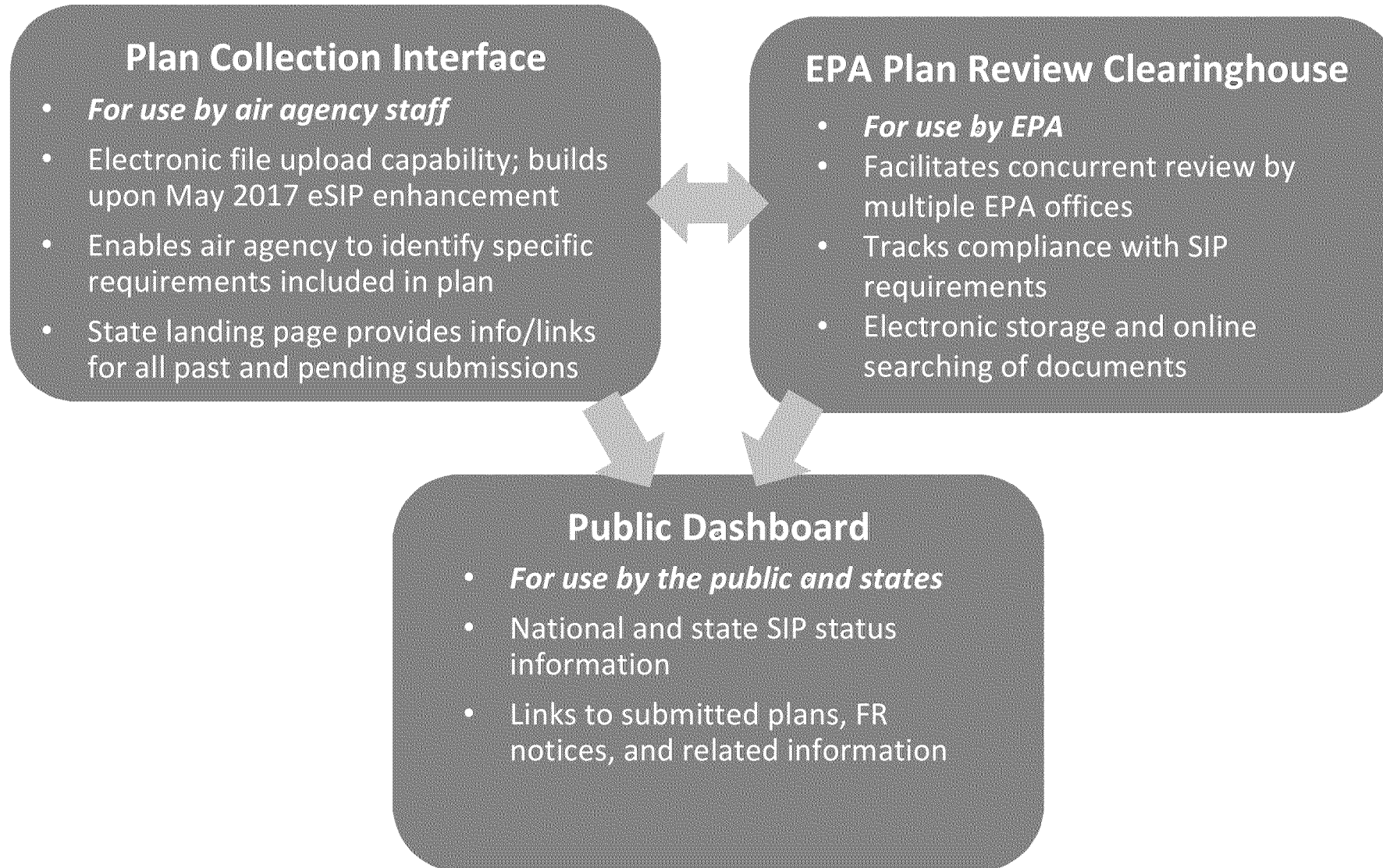


SIP Processing Improvements: State Plan Electronic Collection System (SPeCS)

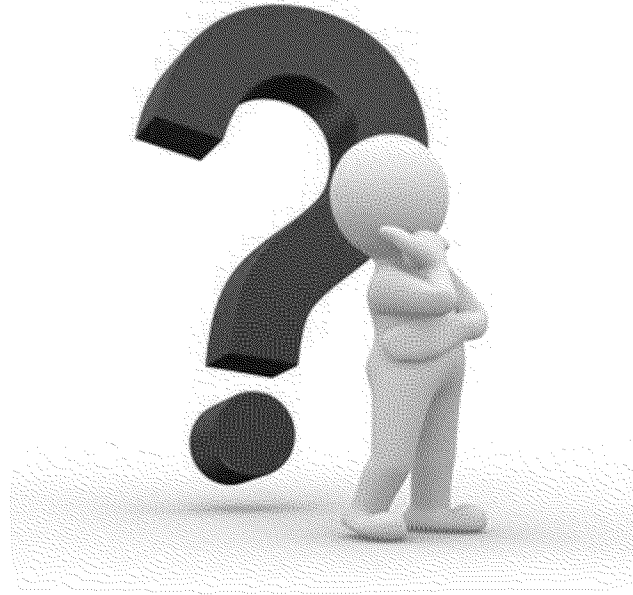
- SPeCS will provide an efficient electronic system for:
 - State submission and tracking of multiple types of plans
 - EPA review process and requirements tracking
 - Public dashboard with SIP Status reports and info on state submissions and EPA actions
- Benefits: reduce paper/mailling costs/storage, save staff time and resources, integrate multiple legacy tracking systems, increase transparency, lead to more efficient process
- EPA greatly appreciates input from state/local officials through Integrated Project Team, webinars and Regional Hub calls, and recent beta-testing
- System launch and training for State and EPA users: December 2017/January 2018



SPeCS for SIPs: Major Components



Questions and Comments



APPENDIX

NAAQS Reviews: Status Update

(September 2017)

	Ozone	Lead	Primary NO ₂	Primary SO ₂	Secondary (Ecological) NO ₂ , SO ₂ , PM ¹	PM ²	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	Jan 2010	Jun 2010	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s) ³	TBD ⁴	TBD ⁴	<u>July 14, 2017</u> Proposal <u>Sept 25, 2017</u> Public Comment Closes <u>April 6, 2018</u> Final	<u>Summer 2017</u> Draft PA and REA <u>May 25, 2018</u> Proposal <u>Jan 28, 2019</u> Final	<u>May 24-25, 2017</u> CASAC review of 1 st Draft ISA <u>Summer 2018</u> 2 nd Draft ISA REA Planning Document	<u>Dec 2016</u> Final IRP <u>Spring/Summer 2018</u> 1 st draft ISA REA Planning Document	TBD ⁴

Additional information regarding current and previous NAAQS reviews is available at: <http://www.epa.gov/ttn/naaqs/>

¹ Combined secondary (ecological effects only) review of NO₂, SO₂, and PM

² Combined primary and secondary (non-ecological effects) review of PM

³ IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

⁴ TBD = to be determined



Anticipated NAAQS Implementation Milestones

(September 2017)

Pollutant	Final NAAQS Date	Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Mod) Dec 2019 (Ser)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
PM _{2.5} (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Mod)	Dec 2021 (Mod) Dec 2025 (Ser)
NO _x (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO ₂ (2010) (primary)	June 2010	Oct 2013, Sept 2016 (+2 rounds)	June 2013	April 2015, March 2018 (2019, 2022)	Oct 2018, Sept 2021 (2023, 2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	Mid 2015-2016	Mid 2015-2032
Ozone (2015)	Oct 2015	TBD	Oct 2018	TBD	TBD



To: Wood, Anna[Wood.Ann@epa.gov]; Wayland, Richard[Wayland.Richard@epa.gov]; Bhesania, Amy[Bhesania.Amy@epa.gov]; Jay, Michael[Jay.Michael@epa.gov]; Weber, Rebecca[Weber.Rebecca@epa.gov]; Donaldson, Guy[Donaldson.Guy@epa.gov]; Robinson, Jeffrey[Robinson.Jeffrey@epa.gov]; Catharine Fitzsimmons[catharine.fitzsimmons@dnr.iowa.gov]; David Brymer [dbrymer@tceq.texas.gov]; Doug Watson[dwatson@kdhe.state.ks.us]; Eddie.Terrill@deq.ok.gov[Eddie.Terrill@deq.ok.gov]; Kevin Stoner[kevin.j.stoner@nebraska.gov]; Kim Herndon[kim.herndon@tceq.texas.gov]; Kyra Moore[kyra.moore@dnr.mo.gov]; Lori FitzSimmons-Evans[fitzsimmons@gchd.org]; Mark McCorkle[MAC@adeq.state.ar.us]; montgomery@adeq.state.ar.us[Montgomery@adeq.state.ar.us]; Rick Brunetti[rbrunetti@kdheks.gov]; spencer@adeq.state.ar.us[spencer@adeq.state.ar.us]; Steve Hagle[steve.hagle@tceq.texas.gov]; Theresa Pella[tpella@censara.org]; Vivian Aucoin[vivian.aucoin@LA.GOV]; Andersen, Bruce[bandersen@wycokck.org]; Beverly Botchlet-Smith[beverly.botchlet-smith@deq.ok.gov]; Michael Vince[mvince@censara.org]
Cc: Johnson, Yvonne W[Johnson.Yvonnew@epa.gov]; DeAnna Scofield[dscofield@censara.org]; Ron Hensley[rhensley@censara.org]
From: Theresa Pella
Sent: Fri 9/1/2017 6:50:14 PM
Subject: CenSARA fall meeting draft agenda V4
1.0.Agenda fall 2017 meeting DRAFT4.docx

Attached is the latest draft - feedback welcome!

If you've not made hotel reservations yet, the room block deadline is September 12th - let DeAnna know if you run into any issues or if CenSARA will be providing travel assistance for your organization. If you run into difficulties registering for the meeting, let Ron know.

Thanks!

Theresa

Theresa Pella, Executive Director

Central States Air Resource Agencies Association (CenSARA)

P.O.Box 617, 707 N. Robinson Ave.

Oklahoma City, OK 73101

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DRAFT4 9/01/17

State/EPA Regions 6 and 7 Air Directors' Meeting and CenSARA Business Meeting
The Chase Park Plaza
212 N. Kingshighway Blvd., St. Louis, MO 63108
Tuesday, October 10 –Thursday, October 12, 2017

To register for the meeting (\$0 fee), click on the link in Upcoming Events - <http://www.censara.org>
If you experience issues, please email Ron at rhensley@censara.org

To access presentations: TBD

Conference Call info: Ex. 6 - Personal Privacy passcode Ex. 6 - Personal Privacy
(please keep the phone on mute (not hold) unless speaking)

Attire: Business Casual

Day 1: Tuesday afternoon, October 10, 2017 (EPA/States Session)			
TIME (CENTRAL)	TOPIC	LEAD(S)	HANDOUT ITEM #
12:30-1:00 pm	Registration		
1:00-1:30 pm	Welcome and review of agenda for State/EPA Regions 6 and 7 Air Directors' Meeting	Eddie Terrill, CenSARA Board Chair Guy Donaldson, Associate Director for Air Programs, EPA, Region 6, Becky Weber, Director, Air and Waste Management Div., EPA, Region 7	1.0 (agenda) 1.1 (ECOS' Cooperative Federalism 2.0 paper)
1:30 – 1:40 pm	Region-wide topics: 2.0 - Update on CAA Section 105 Allocation formula	Leads: 2.0 – Amy Bhesania, R7	
1:40 – 2:00 pm	2.1 – SIP backlogs, Lean Action effort, and tools	2.1 - Amy Bhesania, R7 and Guy Donaldson, R6	
2:00 – 2:20 pm	2.2 – Title V operating permit backlogs	2.2 – Rick Brunetti, KDHE and Jeff Robinson, R6 (tentative)	
2:20 – 2:40 pm	2.3 – EPA draft guidance memos on fee schedules for Title V operating permit programs and evaluation strategy – informal comments submitted/additional feedback to EPA	2.3 – All	
2:40 – 3:00 pm	2.4 - Overview of Arkansas regulatory streamlining pilot project results and lessons learned	2.4 – Will Montgomery and Tricia Treece, ADEQ	
3:00-3:15 pm	Break		
3:15 – 3:40 pm	Region-wide topics, continued 2.5 – Update on Phase I Regional Haze SIPs	2.5 – Guy Donaldson, R6 and ?? R7	
3:40 – 4:00 pm	2.6 – Update on Kansas' Smoke Management Program	2.6 – Mike Jay, R7 and KS??	
4:00 – 4:15 pm	2.7 – Updates on 2010 SO2 NAAQS designations and SIPs	2.7 – All	
4:15 – 4:30 pm	2.8 – Region 7 and ORD citizen science research project	2.8 – Amy Bhesania, R7	
4:30 – 4:50 pm	2.9 – Opportunities for utilizing VW settlement and DERA funds	2.9 – Amy Bhesania, R7	

4:50-5:00 pm	Wrap up and action items	CenSARA	
6:00 pm	No host dinner –TBD		

<i>Day 2: Wednesday morning, October 11, 2017 (EPA/States Session, cont.)</i>			
TIME (CENTRAL)	TOPIC	LEAD(S)	HANDOUT ITEM #
8:15 – 8:30 am	Welcome and review of agenda for State/EPA Regions 6 and 7 Air Directors' Meeting	Eddie Terrill, CenSARA Board Chair	
8:30 - 10:30 am	<p>Focused OAQPS program/rule/technical topics <i>Potential topics could include:</i></p> <p>Update on EPA Administration priorities and Executive Orders</p> <p>SPECs for SIPs</p> <p>Status of SSM SIP revisions</p> <p>Exceptional Events – tools, guidance, etc.</p> <p>2015 Ozone NAAQS designations and I-SIPs (2008 and 2015 NAAQS)</p> <p>E-Enterprise air quality project achievements to date</p> <p>NATA release timeline</p> <p>Status of Appendix W rule petition, guidance, etc.</p>	Anna Marie Wood, Director, Air Quality Policy Division, OAQPS and Chet Wayland, Director, Air Quality Assessment Division, OAQPS	
10:30 - 10:45 am	Break		
10:45 - 11:15 am	Phase II Regional Haze SIPs	All	
11:15 am - 12:30 pm	<p>State/Local updates – highlights of what your agency has been/is focusing on (following are suggestions only)</p> <ul style="list-style-type: none"> Recent legislation State administration air quality priorities Status of state resources (funding, staff, etc.) 		
12:30 – 1:00 pm	Wrap up for EPA/States Session	<p>Eddie Terrill, CenSARA Board Chair</p> <p>Guy Donaldson, Associate Director for Air Programs, EPA, Region 6,</p> <p>Becky Weber, Director, Air and Waste Management Div., EPA, Region 7</p>	
1:00 – 2:15 pm	Lunch		

<i>Day 2: Wednesday afternoon, October 11, 2017 (Members Only Session)</i>			
TIME (CENTRAL)	TOPIC	LEAD (S)	HANDOUT ITEM #
2:15 - 3:45 pm	CenSARA membership only roundtable discussions – potential topics include: <ul style="list-style-type: none"> • Budget constraints • National Training Strategy, EPA funding, potential additional funding mechanisms • Volkswagen Settlement outreach/stakeholder updates • SO2 monitoring at industrial parks • New software programs/apps may be piloting • Other topics 	All	
3:45 - 4:00 pm	September conference call minutes – review and BOD action	CenSARA Board	
4:00 – 4:30 pm	Board of Directors executive session – conversation with the new Executive Director	CenSARA Board	
4:30 pm	Adjourn for the day		

CENSARA BUSINESS MEETING
Thursday, October 12, 2017

TIME (CENTRAL)	TOPIC	TOPIC LEADER(S)	HANDOUT ITEM #
8:30-8:45 am	Welcome	Eddie Terrill, Board Chair	
8:45-9:15 am	CenSARA FY17 accomplishments: Training Technical Work Financial statement	Ron Hensley, Training Director Theresa Pella, Outgoing Executive Director DeAnna Scofield, Office/Grant Manager	
9:15-9:45 am	CenSARA FY18 Budget and draft Workplan – review and BOD action	All	
9:45-10:15 am	Updates regarding other regional/national organizations (ex: CAAAC, CASAC, NACAA, AAPCA, ECOS, etc.)	All	
10:15-10:30 am	Election of Officers – BOD action	Board of Directors	
10:30-11:00 am	Meeting summary and action items	CenSARA	
11:00 am	Adjourn	Incoming CenSARA Board Chair	

To: Wayland, Richard[Wayland.Richard@epa.gov]; Wood, Anna[Wood.Anna@epa.gov]; Johnson, Yvonne W[Johnson.Yvonne@epa.gov]
From: Theresa Pella
Sent: Wed 8/2/2017 7:23:42 PM
Subject: Schedule a prep call for CenSARA fall meeting
1.0.Agenda fall 2017 meeting_DRAFT1.docx
CenSARA Fall Business Meeting 2017.docx

Are you available the week of Aug. 28th for a quick call on topics? As I indicated to Chet earlier today the agenda is pretty rough at this point. Have a Board call next week so hope to get some feedback from the states.

CenSARA's new ED should be announced soon and will be able to join the call.

Theresa

Theresa Pella, Executive Director

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DRAFT 7/31/17

State/EPA Regions 6 and 7 Air Directors' Meeting and CenSARA Business Meeting
The Chase Park Plaza
212 N. Kingshighway Blvd., St. Louis, MO 63108
Tuesday, October 10 –Thursday, October 12, 2017

To access presentations: TBD

Conference Call info: Ex. 6 - Personal Privacy , passcode Ex. 6 - Personal Privacy
(please keep the phone on mute (not hold) unless speaking)

Attire: Business Casual

Day 1: Tuesday afternoon, October 10, 2017 (EPA/States Session)			
TIME (CENTRAL)	TOPIC	LEAD(S)	HANDOUT ITEM #
12:30-1:00 pm	Registration		
1:00-1:15 pm	Welcome and review of agenda for State/EPA Regions 6 and 7 Air Directors' Meeting	CenSARA Board Chair Guy Donaldson, Associate Director for Air Programs, EPA, Region 6, Becky Weber, Director, Air and Waste Management Div., EPA, Region 7	
1:15-3:00 pm	Region-wide topics: <i>Potential topics include:</i> Operating permit backlogs Update on CAA Section 105 Allocation formula 2010 SO2 NAAQS – Designation and SIP updates	Leads:	
3:00-3:15 pm	Break		
3:15-4:00 pm	Region-wide topics, continued <i>Potential topics include:</i> Other permit and/or compliance topics Overview of Arkansas regulatory streamlining pilot project results and lessons learned		
4:00-5:00 pm	Focused OAQPS program/rule/technical topics <i>Potential topics could include:</i> Update on EPA Administration priorities 2015 Ozone NAAQS designations and I-SIPs E-Enterprise air quality projects	Anna Marie Wood, Director, Air Quality Policy Division, OAQPS and Chet Wayland, Director, Air Quality Assessment Division, OAQPS	
5:00 pm	Wrap up and action items	CenSARA	
6:00 pm	No host dinner –TBD		

Day 2: Wednesday morning, October 11, 2017 (EPA/States Session, cont.)			
TIME (CENTRAL)	TOPIC	LEAD(S)	HANDOUT ITEM #
8:00-8:15 am	Welcome and review of agenda for State/EPA Regions 6 and 7 Air Directors' Meeting	CenSARA Board Chair	
8:15-10:00 am	Focused OAQPS program/rule/technical topics, cont. <i>Potential topics could include:</i> Regional Haze SPeCs SSM SIP revisions EE demos	Everyone	
10:00-10:15 am	Break		
10:15-11:15 am	State/Local updates – highlights of what your agency has been/is focusing on (following are suggestions only) <ul style="list-style-type: none"> Recent legislation Status of state resources (funding, staff, etc.) Other topics 	All	
11:15 am-12:00 pm			
12:00-12:30	Wrap up for EPA/States Session	CenSARA Board Chair Guy Donaldson, Associate Director for Air Programs, EPA, Region 6, Becky Weber, Director, Air and Waste Management Div., EPA, Region 7	
12:30-1:30 pm	Lunch		

<i>Day 2: Wednesday afternoon, October 11, 2017 (Members Only Session)</i>			
TIME (CENTRAL)	TOPIC	LEAD(S)	HANDOUT ITEM #
1:30-3:00 pm	CenSARA membership only roundtable discussions – potential topics include: <ul style="list-style-type: none"> Budget constraints National Training Strategy Volkswagon Settlement 	All	
3:00-3:15 pm	Break		
3:15-4:30 pm	Board of Directors executive session – as needed		
4:30 pm	Adjourn for the day		

CENSARA BUSINESS MEETING
Thursday, October 12, 2017

TIME (CENTRAL)	TOPIC	TOPIC/LEADER(S)	HANDOUT ITEM #
8:00-8:30 am	Conversation with the new Executive Director	Board of Directors Executive Session	
8:30-8:45 am	September conference call minutes – review and BOD action	All	
8:45-9:15 am	CenSARA FY17 work products: Training Technical Work Financial statement	Ron Hensley, Training Director Executive Director DeAnna Scofield, Office/Grant Manager	
9:15-9:45 am	CenSARA FY18 Budget and draft Workplan – review and BOD action	All	
9:45-10:15 am	Updates regarding other regional/national organizations (ex: CAAAC, CASAC, NACAA, AAPCA, ECOS, etc.)		
10:15-10:30 am	Election of Officers – BOD action	Board of Directors	
10:30-11:00 am	Meeting summary and action items	CenSARA	
11:00 am	Adjourn	CenSARA Board Chair	

To: Wood, Anna[Wood.Ann@epa.gov]
Cc: Johnson, Yvonne W[Johnson.Yvonnew@epa.gov]
From: David Friedman
Sent: Mon 10/30/2017 6:09:41 PM
Subject: November 2 AFPM Meeting on NSR
Agenda for AFPM-EPA Nov 2 Meeting.docx

Anna- I am just confirming our meeting with you and your staff on Thursday, November 2 from 10-12. I have attached an agenda and the following folks will be in attendance:

<u>Name</u>	<u>Company</u>	<u>State</u>
David Friedman	AFPM	Virginia
Matthew Hodges	Valero Energy	Texas
Michael Hopperton	BP	Georgia
David Pavlich	Phillips 66	Oklahoma

Please let me know if you have any additional questions and we look forward to our meeting on Thursday.

David N. Friedman

Vice President

Regulatory Affairs

American

Fuel & Petrochemical

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Agenda for AFPM-EPA Meeting

Nov. 2, 2017, 10 AM - Noon

EPA RTP Offices

1. Introductions – 5 min.
2. AFPM's Prioritized List of NSR Reform Items – 15 min.
3. White Paper Discussion on Project Aggregation – 30 min.
4. White Paper Discussion on Project Netting – 30 min.
5. Discussion on Other Regulatory Reform Topics (per EPA Oct. 25 Report) – 20 min.
 - a. "Once-in Always-in" MACT Policy
 - b. Ozone NAAQS
 - c. Smart Sectors Program – Inclusion of petroleum refining?
 - d. Status of SSM SIP Call
6. Shifting EPA Jurisdiction over Regulatory Interpretations and Applicability Determinations from the EPA Regional Offices and the OECA to OAQPS – 20 min.

To: Michael Vince[mvince@censara.org]; Wood, Anna[Wood.Anna@epa.gov]; Donaldson, Guy[Donaldson.Guy@epa.gov]; Weber, Rebecca[Weber.Rebecca@epa.gov]; Bhesania, Amy[Bhesania.Amy@epa.gov]; Jay, Michael[Jay.Michael@epa.gov]
Cc: Wood, Anna[Wood.Anna@epa.gov]; Johnson, Yvonne W[Johnson.Yvonnew@epa.gov]
From: Wayland, Richard
Sent: Wed 10/4/2017 8:58:51 PM
Subject: RE: Presentation Materials Needed for CenSARA and R6/R7 Meeting
Wayland CENSARA Fall 2017 presentation.pptx

Michael,

Here are my slides... some of these are for reference by your states, but included anyway so they have the information. Let me know if you have any questions.

Thanks

Chet

Richard A. "Chet" Wayland | Director | Air Quality Assessment Division - Mail Code C304-02 | Office of Air Quality Planning & Standards | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Desk: 919-541-4603 | Cell: Ex. 6 - Personal Privacy

From: Michael Vince [mailto:mvince@censara.org]
Sent: Wednesday, October 04, 2017 1:51 PM
To: Wood, Anna <Wood.Anna@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Weber, Rebecca <Weber.Rebecca@epa.gov>; Bhesania, Amy <Bhesania.Amy@epa.gov>; Jay, Michael <Jay.Michael@epa.gov>
Subject: Presentation Materials Needed for CenSARA and R6/R7 Meeting

Just a friendly reminder that we would really like to have presentation materials for you and any of your staff as quickly as possible. We would really like these emailed to us no later than COB Friday 10/6/17.

Please send to me or to rhensley@censara.org

Thanks and looking forward to seeing you next week in St. Louis!

Michael Vince, Executive Director

Central States Air Resource Agencies Association (CenSARA)

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Oklahoma City, OK 73101

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Technical Updates

E-Enterprise, Modeling

Richard A. (Chet) Wayland
US EPA OAQPS
CENSARA Fall Meeting
October 11, 2017



Topics

- E-Enterprise Air Quality Projects
- Appendix W
- Transport & Regional Haze
- 2014 NATA

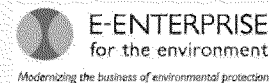
E-Enterprise Air Quality Projects





E-Enterprise for the Environment

- E-Enterprise supports the environment, public health and the economy by modernizing the business of environmental protection
- EPA, states, territories, and tribes are working together to transform the way we implement programs, as a shared responsibility, into a national enterprise for environmental protection
 - **We streamline processes.**
 - **Citizens and the regulated communities will get better environmental information.**
 - **The tools and technology available to co-regulators are enhanced by mobile applications, online portals, smart tools and other investments in information technology.**
- For more information:
- <https://e-enterprisefortheenvironment.net/>





E-Enterprise Facility Integration

- Integrated, reconciled, facility information is a key to solving the problem of:
 - Reducing regulatory burden
 - Increasing transparency
 - Ensuring best data available to make decisions
 - Improving data quality
- Common vision
 - Integration and correction of data in as near to real-time as possible
 - Common facility profile model that allows for varying levels of granularity
 - Shared business rules and mapping to common-enough terminology
 - APIs flexible enough to work with EPA, state and other systems
 - Shared good practices and tools
- For further information
 - <https://e-enterprisefortheenvironment.net/our-projects/program-modernization-projects/ee-facility-team/>



Combined Air Emissions Reporting (CAER)

- **CAER basic purpose:**
 - An E-Enterprise project to streamline emissions reporting activities through modern data sharing technologies and program collaboration
- **CAER Implementation plan**
 - Prepared in fall 2016 by State, Local and EPA project collaborators
 - Lays out multi-year process to develop and implement CAER
- **Initial phase of the Implementation Plan has started**
 - Product Design Team (PDT) formed late 2016
 - “First Round” R&D enabling projects conducted in first half of 2017
 - Projects include: data model requirements, QA/QC, cross-program mapping, source codes and emission factors
 - “Second Round” R&D projects to be defined and scoped out in Fall 2017
 - Potential full scale pilot project scope being defined with goals of a 2018 pilot
- **CAER public website:**
 - <https://www.epa.gov/e-enterprise/e-enterprise-combined-air-emissions-reporting-caer>



The E-Enterprise Leadership Council (EELC) is making permitting improvements a priority

- The EELC will:
 - identify desired *collective* outcomes and performance metrics from EPA, State, Tribe, and Territory permitting systems.
 - identify candidate permitting programs, where States, Tribes, and EPA have shared implementation responsibility, for a business process improvement effort.
 - support a business process improvement effort in one or more permitting programs where EPA, States, Tribes, and Territories share implementation responsibility.





Moving Forward with Shared Services

- Outlines the approach for the E-Enterprise and the Exchange Network partnership to develop, manage, and operate shared services.
- Intent is to
 - Institutionalize a set of software development methodologies and practices
 - Allow for broad reuse of business relevant resources - build it once, use it many times
 - Use common reporting and data exchange standards resulting in significant benefits.
 - Build more with less
- Example of a new Shared Service
 - MOSAIC

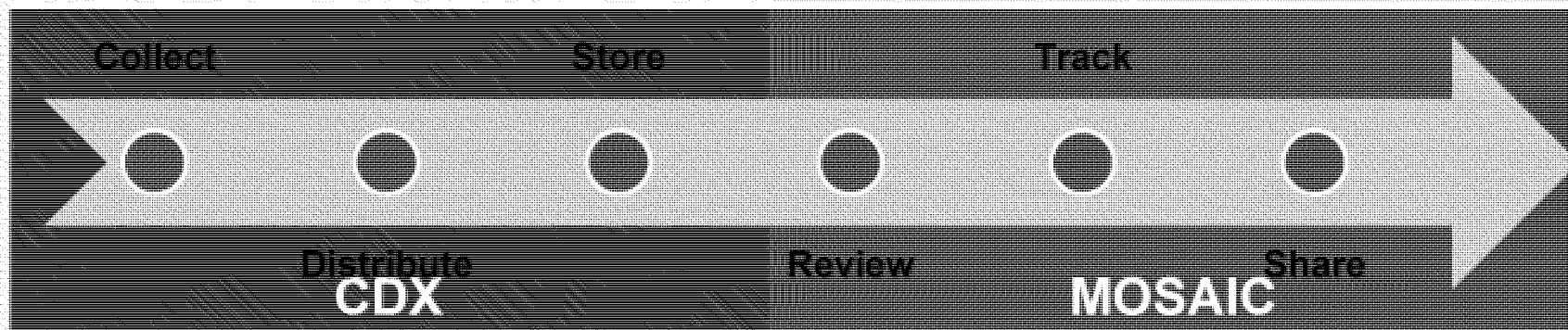


MOSIAC can be a part of permit modernization and e-permitting efforts by EPA and SLTs

- Central Data Exchange (CDX)
 - EPA's centralized electronic reporting site
 - Collects and distributes legally acceptable data and information
 - Used to collect data across a wide variety of EPA and partner programs
- MOSAIC = Modular Submission Application Creator
 - Available to E-Enterprise partners
 - Allows users to select desired modules to build custom applications
 - Supports review of information received through CDX (e.g., plans, permit applications, petitions, exceptional events),
 - Supports delivering data and documents to stakeholders



MOSAIC extends CDX functionality with streamlined data review and data sharing





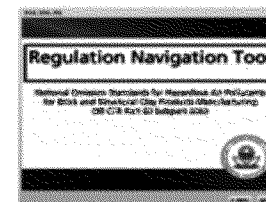
E-Enterprise Advanced Monitoring Team

- 1) Explore development of an independent third-party evaluation/certification program
 - Spring 2018 Workshop
 - Develop sensor performance targets for PM_{2.5} and O₃
 - Includes open meeting & webinar opportunity for all interested parties to provide input
 - Concurrently working with outside organizations to discuss consensus-based standards
- 2) Develop technology scan and screen procedures
 - Storing results in a Clearing House for state, local, tribal, and federal agency staff
- 3) Data interpretation
 - Finalizing PM_{2.5} and O₃ sensor scale & drafting SO₂, NO₂, CO, and benzene sensor scale
 - Piloting interpretation of Purple Air sensor data alongside data from regulatory monitors
 - Launching revised Village Green website & developing communication materials for developers and sensor users
- 4) Data standards
 - EPA participation in conversations with outside organizations

EPA Regulation Navigation Tools

Regulation Navigation (Reg Nav) tools help owners and operators of facilities in certain industries determine the requirements of specific regulations. Reg Nav tools are online and interactive, and use the information entered to assess potential regulatory requirements.

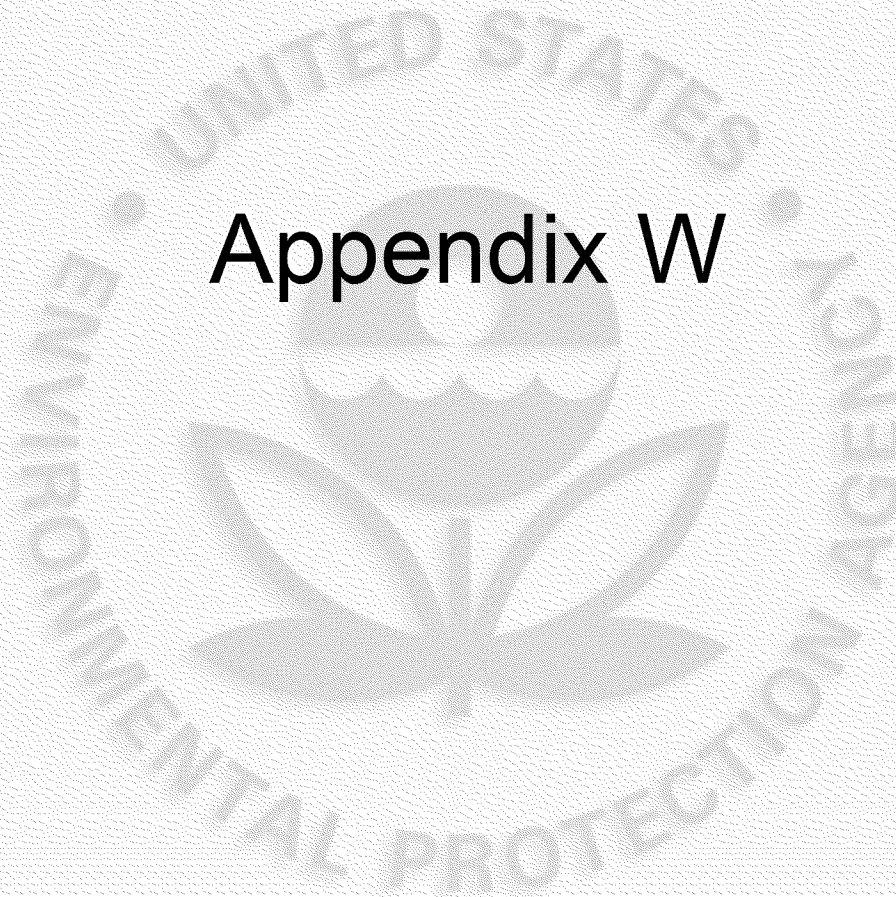
Reg Nav tools do not store or save information, so you must print or save any output that you want to use or reference. Note that the Reg Nav requirements may not be complete. Refer any questions to your local authority.



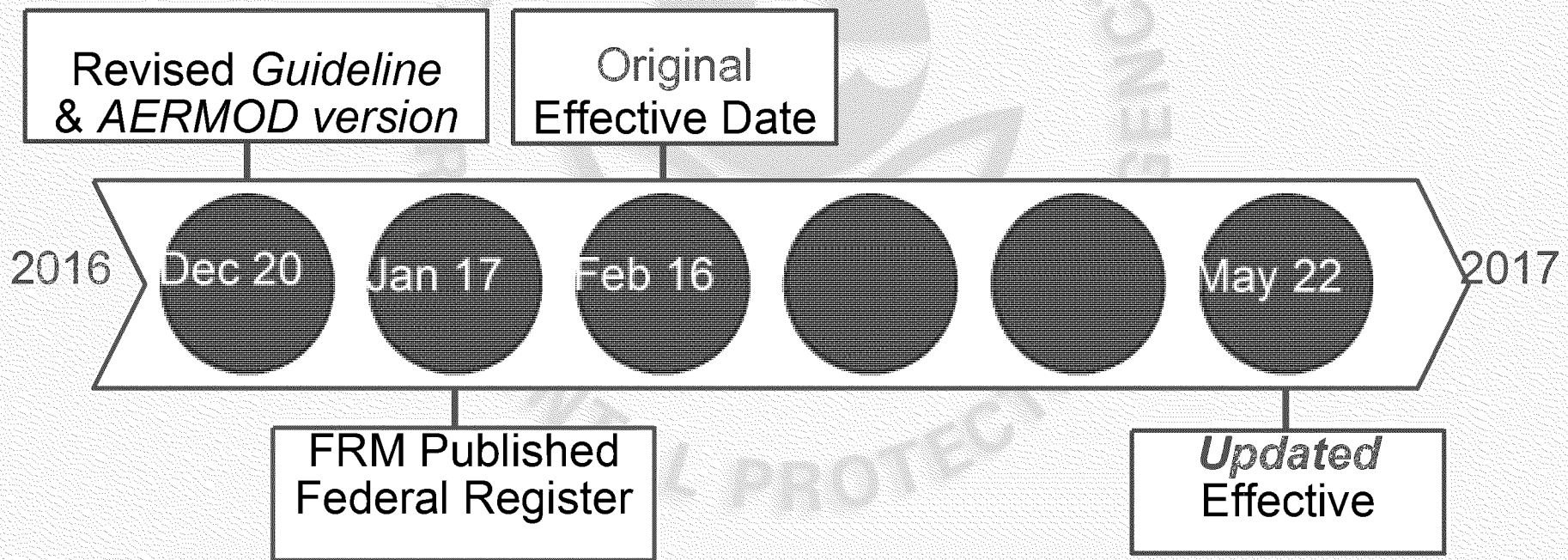
Reg Nav tools are available for five regulations dealing with air pollutants:

Air Pollutant	Regulation	Reg Nav Tool
National Emissions Standards for Hazardous Air Pollutants under 40 CFR part 63	<u>Subpart LLL</u>	<u>Portland Cement Manufacturing Industry</u>
	<u>Subpart ZZZZ</u>	<u>Reciprocating Internal Combustion Engines (RICE)</u>
	<u>Subpart JJJJ</u>	<u>Brick and Structural Clay Products Manufacturing</u>
New Source Performance Standards	<u>Subpart IIII & Subpart JJJJ (one tool)</u>	<u>Stationary Compression Ignition Internal Combustion Engines and Spark Ignition Internal Combustion Engines</u>

Appendix W



Final Rule to Revise to the *Guideline on Air Quality Models* (Appendix W to 40 CFR Part 51)





Appendix W: Main Final Actions

- Science improvements to AERMOD Modeling System
 - ADJ_U* options to address technical concerns and improve model performance under extremely light winds and stable conditions
 - Enhanced treatment of horizontal and capped stacks
 - Addition of a buoyant line source option
 - Updates to the NO₂ screening techniques, including a new Tier 2 Ambient Ratio Method (ARM) and revised Tier 3 Plume Volume Molar Ratio Method (PVMRM)
 - AERSCREEN as the recommended screening model for simple and complex terrain for single sources
- Long Range Transport (LRT) screening approach
- Single-Source Impacts on Ozone and Secondary PM_{2.5}
- Removal of BLP, CALINE, and CALPUFF as EPA preferred models



Appendix W: Main Final Actions (cont)

- Provide for use of prognostic met data in dispersion modeling for PSD compliance demonstrations
 - Effort to provide more flexibility
 - Improve meteorological inputs for areas where:
 - No representative NWS station
 - Prohibitive or infeasible to collect adequate site-specific data
 - EPA provided the Mesoscale Model InterFace Program (MMIF) that post-processes WRF simulation data for input to AERMOD
 - Also, made publicly available both national, 12km raw WRF data and MMIF processed data for 2013-2015.
 - Coordinated with Multi-Jurisdictional Organizations (MJOs) in an effort to most effectively distribute this data to the states.



Final Action: Single-Source Impacts on Ozone and Secondary PM_{2.5}

- The EPA believes photochemical grid models are generally most appropriate for addressing ozone and secondary PM_{2.5}, because they provide a spatially and temporally dynamic realistic chemical and physical environment for plume growth and chemical transformation.
- Lagrangian models (e.g. SCICHEM) applied with a realistic 3-dimensional field of chemical species could also be used for single source O₃ or PM_{2.5} assessments.
- The EPA has finalized in Section 5 of revised *Guideline* a two-tiered demonstration approach for addressing single-source impacts on ozone and secondary PM_{2.5}.
 - Tier 1 demonstrations involve use of technically credible relationships between emissions and ambient impacts based on existing modeling results or studies deemed sufficient for evaluating a project source's impacts.
 - Tier 2 demonstrations would involve case-specific application of chemical transport modeling (e.g., with an Eulerian grid or Lagrangian model).
- Section 5 does not provide a requirement for chemical transport modeling



MERPs as a Tier 1 Demonstration Tool


- EPA has provided technical guidance that will provide a framework for development of Tier 1 demonstration tools under Appendix W for PSD permitting.
 - Guidance on the Development of Modeled Emission Rates for Precursors (MERPs) as a Tier 1 Demonstration Tool for Ozone and PM_{2.5} under the PSD Permitting Program (EPA-454/R-16-006 December 2016)
- The draft guidance provides a framework on how to arrive at values for MERPs based on existing relevant modeling or newly developed area specific modeling that source/states can utilize in their PSD compliance demonstrations.
 - The guidance does not endorse a specific MERP value for each precursor.
 - Public comments made available on SCRAM on May 26, 2017
- Currently reviewing comments and plan to provide a revised version of the guidance in late 2017 that addresses public comments with emphasis on:
 - More clarity on use of MERPs at national, regional and local level with more detail in the examples provided in the guidance



Next Steps

- SILs Guidance: Pacing item for release of MERPs guidance and PM2.5 Precursor Demo guidance
- EPA hosted 2017 R/S/L Modelers workshop in RTP, NC on September 25th and 26th
 - <https://www.epa.gov/scram/2017-regional-state-and-local-modelers-workshop>
- Continue discussions to improve science in AERMOD, specifically research coordination with ORD and stakeholders on
 - LOWWIND related options
 - Downwash algorithms (updates and/or replace PRIME)
 - Mobile source modeling (RLINE)
 - Evaluation of Offshore & Coastal Dispersion Model (OCD)
- Further engagement with the stakeholder community leading up to the 12th Conference on Air Quality Models in late 2018.

Air Quality Modeling for Ozone Transport

A large, faint, circular watermark of the United States Environmental Protection Agency (EPA) seal is centered in the background. The seal features a stylized flower with three leaves and a central stem, surrounded by the words "UNITED STATES" at the top and "ENVIRONMENTAL PROTECTION AGENCY" at the bottom.



Update on EPA's Ozone Transport Modeling

- EPA issued a NODA in January 2017 with ozone transport data based on air quality modeling using 2023 as the future analytic year
- We are updating this modeling based on NODA comments and other factors to identify nonattainment and maintenance receptors and interstate "linkages" for 2023
 - Key revisions have been made to the methodologies for projecting emissions for EGUs and the oil and gas sector in addition to updates on plant closures
- The updated modeling will utilize the latest public release version of CAMx (v6.40) with the CB6r4 chemical mechanism
- We believe this modeling can serve multiple purposes in helping states develop SIPs for their 2008 obligations
- This modeling will also be informative for future 2015 ozone NAAQS transport SIPs
- The air quality modeling is completed



Air Quality Modeling for Regional Haze



Regional Haze Air Quality Modeling

- To complement proposed rule and draft guidance related to Regional Haze program, EPA conducted modeling for a 2028 future year that provides updated information on regional haze visibility impairment for use by EPA and states.
- Overview of EPA modeling platform
 - 2011 base year, meteorology and boundary conditions
 - 12km national modeling domain
 - 2028 future year emissions
 - Extension of the 2023 emissions projections used for the recent ozone transport NODA (see: <https://www.epa.gov/air-emissions-modeling/2011-version-63-platform>)
 - 2028 CAMx source apportionment (PSAT) by major national source sectors (not by state)
 - 19 tags including EGUs, on-road mobile, fires, etc.



2028 Regional Haze Modeling Caveats

- EPA has identified a number of uncertainties associated with the initial 2028 regional haze modeling analysis.
 - Important model performance issues that need to be addressed before the results can be confidently used in some areas.
 - The visibility impairment contribution from some source categories is uncertain and likely to change with platform updates
 - The analysis uses the EPA draft recommended natural conditions to calculate the glidepath (i.e., the “unadjusted glidepath”).
- EPA recommends using these initial results only as a first step in the process of developing technically sound regional haze modeling for the 2nd implementation period.
 - EPA expects to work collaboratively with MJOs, states, and FLMs to make necessary improvements and ultimately update this modeling.



Working with MJOs/States/FLMs

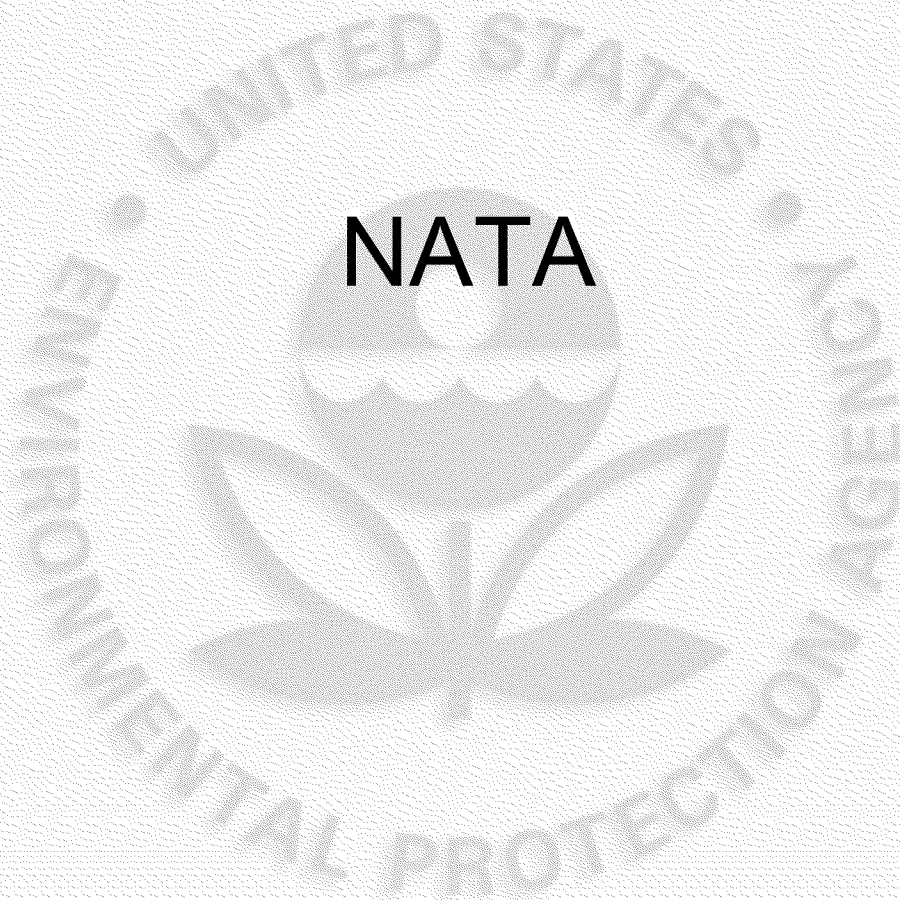
- Coordinate with MJOs, FLMs, and states, in an effort to improve inputs to the base case and 2028 regional haze modeling platform(s).
 - Base year emissions inventory improvements
 - Updates to emissions projections
 - Issues related to appropriate fire and windblown dust inputs for RH modeling
 - Boundary condition updates
 - Post-processing of modeling results
 - Recommended procedures in the photochemical modeling guidance
 - Estimation of “natural conditions” and possible adjustments to draft recommended values
 - Adjustments to glidepath endpoint to account for international anthropogenic and prescribed fire impacts



Regional Haze Modeling: Next Steps

- EPA working to provide technical support document that summarizes the platform and initial modeling results along with modeling files in October timeframe
 - 2011 model performance
 - 2028 visibility impairment and glidepath results
 - 2028 source apportionment results
- Engage in more detailed discussions of modeling issues and improvements
 - Subsequent MJO calls/special calls by region
 - Western Modeling Workshop, Sept 6-8th in Boulder, CO
 - December Regional Haze National Workshop
 - Other FLM calls/workgroups

NATA





National Air Toxics Assessment (NATA)

- NATA is a screening-level characterization of air toxics across the nation
- Designed to help state, local agencies and tribes identify locations, sources and pollutants of interest for further study

2011 NATA released
Dec 2015

www.epa.gov/nata

Using **LEAN** for 2014
NATA

A screenshot of the EPA's National Air Toxics Assessment (NATA) website. The header includes the EPA logo, navigation links (Learn the Issues, Science & Technology, Laws & Regulations, About EPA), a search bar, and language options (Español, 中文, 繁體版, 中文, 簡體版, Tiếng Việt, 한국어). The main content area features a map of the United States with a focus on the Chicago area, titled "National Air Toxics Assessment" and "EPA's comprehensive evaluation of air toxics in the United States". To the right of the map, a text box states: "On December 17, 2015, EPA released the most recent update to the National Air Toxics Assessment (NATA). NATA contains emissions data from 2011 and uses models to make broad estimates of health risks over geographic areas of the country." Below the map, there are two main sections: "NATA Overview" and "2011 NATA Assessment". The "NATA Overview" section includes links for "Limitations", "Glossary of Terms", and "Frequent Questions". The "2011 NATA Assessment" section includes links for "2011 Assessment Results", "2011 NATA Map", and "2011 Assessment Methods". On the right side, there is a "Quick Links" section with links for "Previous versions of NATA", "Other environmental screening tools", "Learn about risk assessment", "Hazardous Air Pollutants website", and "Urban Air Toxics website".



2014 NATA Update

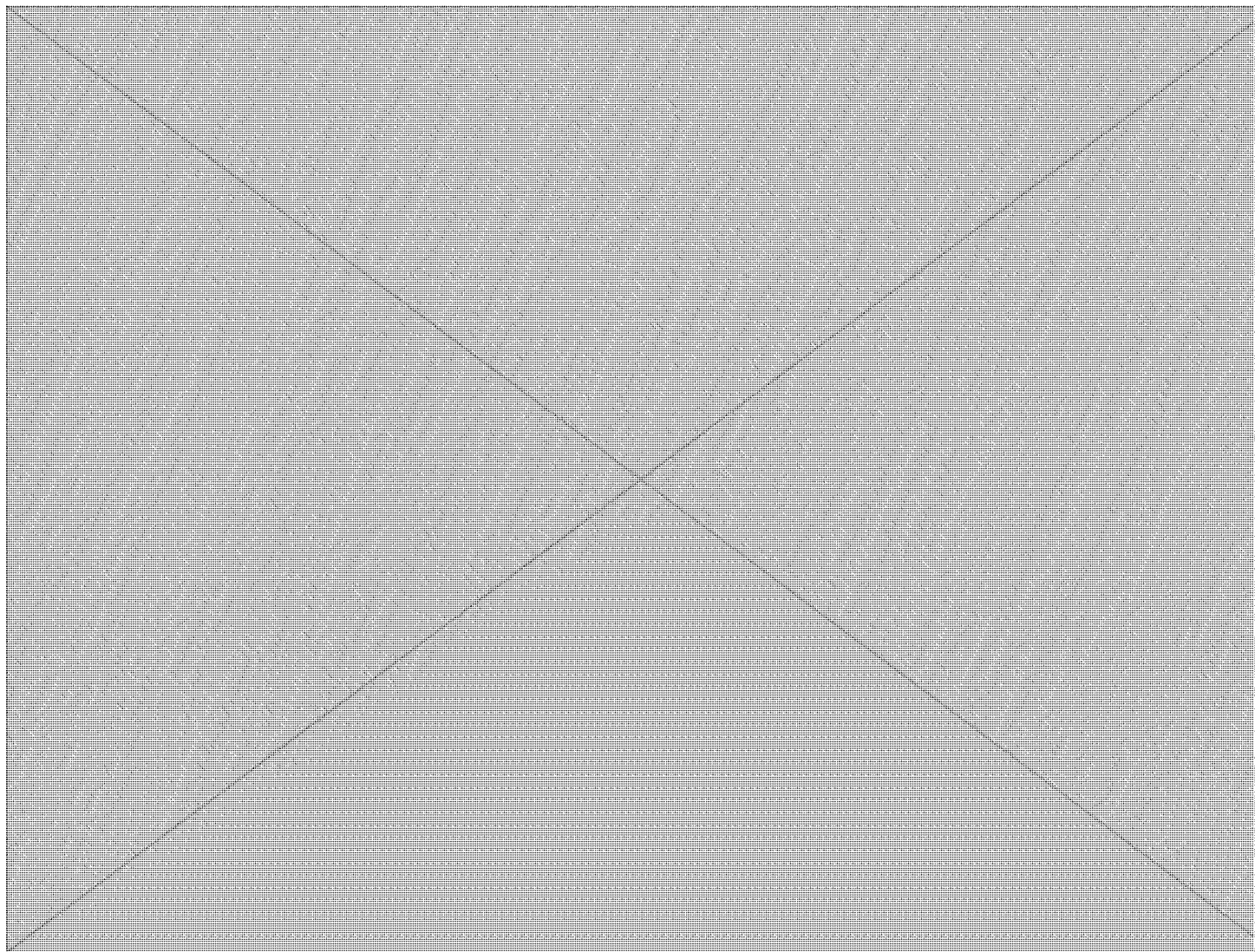
- Based on 2014 NEI Version 2 with hybrid modeling approach using photochemical (CMAQ) and dispersion (AERMOD) models
 - Scheffe et al. *Hybrid Modeling Approach to Estimate Exposures of Hazardous Air Pollutants (HAPs) for the National Air Toxics Assessment (NATA)*. Environmental Science & Technology. pp. 12356–12364, October 2016.
- Emissions & modeling improvements from 2011 NATA
 - Improved spatial allocation for nonpoint, onroad and nonroad categories
 - Improved meteorological inputs (WRF prognostic met data via MMIF tool)
 - Added more CMAQ HAPs
- Conducted NATA review process with State/local/tribal agencies
 - Point: Sept 2016-June 2017, other categories: June 2017-Aug 2017
 - Held several webinars, provided documentation and draft results in Map App and other formats
 - Incorporating comments into the NEI and v2 modeling
 - Will provide a preview for SLT before it is released to the public
- Targeting completion in 2018

To: Wood, Anna[Wood.Ann@epa.gov]
Cc: Lingard, Robert[Lingard.Robert@epa.gov]
From: Doug Eisinger
Sent: Tue 1/3/2017 6:23:22 PM
Subject: RE: Slide re : Ozone Implementation Milestones
removed.txt

Thanks Anna Marie (and hi Bob),

Here is the link I mentioned to Anna Marie over the phone: <https://www.epa.gov/ozone-pollution/2015-ozone-naaqs-timelines>

The link shows the marginal and moderate attainment deadlines as 2021 and 2024, which is what confused me. The table I was planning to show next week at the conference is below:



So I wanted to make sure that my attainment deadlines were correct, since they are different from what is shown in the link I just gave you. I will change the designations in my table from Oct to Dec, to match what you sent me. If you could confirm that the attainment deadlines I'm showing are correct (and that the link is incorrect?), that would help,

Doug

Douglas Eisinger, Ph.D.

Vice President and Chief Scientist, Transportation Policy and Planning

Sonoma Technology, Inc.

1450 N. McDowell Blvd., Suite 200

Petaluma, CA 94954-6515

Ex. 6 - Personal Privacy

doug@sonomatech.com

sonomatech.com

Chair, Transportation Research Board, Regional Air Quality Subcommittee

trbairquality.org/regionalpage

From: Wood, Anna [mailto:Wood.Anna@epa.gov]
Sent: Tuesday, January 03, 2017 10:11 AM
To: Doug Eisinger
Cc: Lingard, Robert
Subject: Slide re : Ozone Implementation Milestones

Per our discussion, here is the slide I think you are looking for. Hope it is helpful. I am ccing Bob Lingard who is the 2015 Ozone lead so he is in the loop, thanks. Anna

Anna Marie Wood

Director, Air Quality Policy Division

OAQPS, U.S. EPA

109 T.W. Alexander Drive

Research Triangle Park, NC 27711

(919) 541-3604

To: Wood, Anna[Wood.Anna@epa.gov]
From: Michael Vince
Sent: Wed 12/21/2016 1:18:40 AM
Subject: Updated Presentation
Anna Wood - Update FINAL.pdf

Hello Anna!

I'm not sure if you remember me, but I was an employee of the Louisiana DEQ in the Air Quality group for many years until I retired in January 2015. I also served as the first president of AAPCA.

I'm still involved in air quality things, serving as the Coordinator for the New Orleans Clean Air Coalition (an EPA Advance Program Partner) and I also teach a few courses for CenSARA.

I have a pdf version of a recent version of one of your "Status of NAAQS Reviews" presentations (attached). I am trying to update some of my outdated slides with some of your information, but because this is a pdf, I cannot easily do that. I was wondering if you could share a powerpoint version with me?

I know with the administration change, some of this might be changing again, but I'd like to think that outside of the Clean Power Plan, the routine NAAQS schedules might not actually be dramatically impacted.

My existing training materials for CenSARA are a couple of years old now...and I'm teaching my air quality basics course during the second week of January in Austin.

Thanks for any assistance you can offer!

Merry Christmas to you and your family!

Michael Vince

Ex. 6 - Personal Privacy

NAAQS AND OTHER IMPLEMENTATION UPDATES

Anna Marie Wood, Director
Air Quality Policy Division, OAQPS, U.S. EPA
NACAA 2016 Fall Business Meeting
October 2016



OVERVIEW

- NAAQS Implementation Updates
 - ☐ Ozone
 - ☐ Exceptional Events
 - ☐ Fine Particulate Matter (PM_{2.5})
 - ☐ Sulfur Dioxide (SO₂)
 - ☐ Lead
- Interstate Transport
- Regional Haze
- Multi-pollutant Planning
- Startup, Shutdown, and Malfunction (SSM) Policy for SIPs and SIP Call
- SIP Processing Improvements
- NSR and Title V Permitting Updates



NAAQS Reviews: Status Update

(as of September 2016)

	Ozone	Lead	Primary NO ₂	Primary SO ₂	Secondary NO ₂ and SO ₂	PM	CO
Last Review Completed (final rule signed)	Oct. 2015	Oct 2008	Jan 2010	Jun 2010	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)¹	TBD ²	<u>Dec 2014</u> Proposed decision <u>2016</u> Final decision	<u>Jan 2016</u> Final ISA <u>Summer 2016</u> 1 st Draft PA/REA	<u>Jan 2016</u> CASAC review of 1 st Draft ISA <u>Winter 2016/2017</u> 2 nd Draft ISA REA Planning Document	<u>Oct 2015</u> Draft IRP <u>Fall 2016</u> Final IRP <u>Winter 2017</u> 1 st Draft ISA REA Planning Document	<u>April 2016</u> Draft IRP <u>Fall 2016</u> Final IRP <u>Fall 2017</u> 1 st draft ISA REA Planning Document	TBD ²

Additional information regarding current and previous NAAQS reviews is available at: <https://www3.epa.gov/ttn/naaqs/>

¹ IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

² TBD = to be determined



Anticipated NAAQS Implementation Milestones

(as of August 2016)

Pollutant	Final NAAQS Date	Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Mod) Dec 2019 (Ser)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
PM _{2.5} (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Mod)	Dec 2021 (Mod) Dec 2025 (Ser)
NO ₂ (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO ₂ (2010) (primary)	June 2010	Oct 2013, Sept 2016 (+2 rounds)	June 2013	April 2015, March 2018 (2019, 2022)	Oct 2018, Sept 2021 (2023, 2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	Mid 2015-2016	Mid 2015-2032
Ozone (2015)	Oct 2015	Dec 2017	Oct 2018	Dec 2020-2021	2020-2037



2008 Ozone NAAQS Implementation

- **Final Implementation of the 2008 NAAQS for Ozone: State Implementation Plan Requirements Rule** published March 6, 2015 (80 FR 12264)
 - ☐ Provides interpretive rules and guidance on nearly all aspects of the attainment planning requirements for designated nonattainment areas
 - ☐ Revoked the 1997 NAAQS (effective April 6, 2015) and established anti-backsliding requirements
- Key implementation dates for nonattainment areas:
 - ☐ Emissions inventories, emissions statement rules and RACT SIPs due July 2014
 - ☐ Attainment plans and demonstrations due July 2015 (Moderate) or July 2016 (Serious and above)
 - ☐ Marginal area attainment date July 20, 2015 (attainment determined by 2012-2014 air quality data)
 - ☐ Moderate area attainment date July 20, 2018 (2015-2017 air quality data)
- Current litigation:
 - ☐ South Coast Air Quality Management District and environmental petitioners (Sierra Club *et al.*) challenged various aspects of the 2008 Ozone NAAQS SIP Requirements Rule, including creditability of reasonable further progress (RFP) control measures, revocation of 1997 NAAQS and application of regulatory anti-backsliding requirements (final briefs due late 2016)
 - ☐ Environmental petitioners (Center for Biological Diversity *et al.*) filed a complaint to require EPA to issue findings of failure to submit required SIPs and to take final action on the SIPs that were submitted for nonattainment areas and OTR states for the 2008 ozone NAAQS (complaint filed July 21, 2016)



2008 Ozone NAAQS Implementation: Actions for Marginal Nonattainment Areas

- Marginal area attainment date was July 20, 2015
- On April 11, 2016 (81 FR 26697), EPA finalized several actions for 36 Marginal areas under the 2008 ozone NAAQS:
 - ☐ Determinations of attainment by the attainment date for 17 areas
 - ☐ One-year extensions of the attainment date for 8 areas
 - ☐ Reclassification to Moderate due to failure to attain by the attainment date for 11 areas
 - ☐ Moderate area SIPs due January 1, 2017
- Attainment date for 8 areas with 1-year extensions was July 20, 2016
 - ☐ 6 areas have attained the standards by the extended attainment date
 - ☐ 2 areas failed to attain by extended attainment date and will be reclassified to Moderate



Progress on Ozone NAAQS Attainment

(as of June 17, 2016)

	1997 NAAQS (2004 Designations)	2008 NAAQS (2012 Designations)
Initial Nonattainment Areas	115	46
Areas Redesignated to Attainment	80 (prior to revocation)	3
Current Nonattainment Areas	35	43
Clean Data Determinations	26	18*
Proposed Redesignation Substitutes	2	0
Reclassifications to Higher Classification	N/A after revocation	11**

*Includes 17 Marginal area determinations of attainment by the attainment date and 1 Moderate area clean data determination.

**2 additional areas are pending reclassification



2015 Ozone NAAQS

- Final **National Ambient Air Quality Standards for Ozone Rule** signed October 1, 2015 (40 FR 65292), revising the primary and secondary 8-hour ozone standards to 0.070 ppm
- The overall framework and policy approach for the previous implementation rules for the 2008 ozone NAAQS will serve as a template for implementation of the 2015 revised standard
 - Implementing the 2015 Ozone NAAQS Memorandum released October 1, 2015, by Janet McCabe to Regional Administrators https://www.epa.gov/sites/production/files/2015-10/documents/implementation_memo.pdf



Intended Schedule for 2015 Ozone NAAQS Implementation Rules/Guidance/Tools

Action	After NAAQS Promulgation	(Actual) and Planned Dates
EPA finalized 2015 Ozone NAAQS, Monitoring rules, Exceptional Event Demonstration Schedule, and PSD grandfathering.	Upon promulgation	(October 1, 2015)
EPA proposed Exceptional Events Rule revisions and issues draft Wildfire/Ozone Guidance		(November 10, 2015)
EPA issued Area Designations Guidance for the 2015 Ozone NAAQS	4 months	(February 25, 2016)
EPA finalizes Exceptional Events Rule revisions and issues Wildfire/Ozone Guidance		September 2016
States and tribes submit recommendations for ozone area designations to EPA	12 months	October 1, 2016
EPA provides results of interstate ozone transport modeling information	12 months	Fall 2016

Intended Schedule for 2015 Ozone NAAQS Implementation Rules/Guidance/Tools
(table continued)

Action	After NAAQS Promulgation	(Actual) and Planned Dates
EPA proposes nonattainment area SIP rules/guidance (including area classifications thresholds, SIP due dates, and nonattainment NSR provisions)	12 months	October 2016
EPA finalizes designations, classifications, and nonattainment area SIP rules/guidance	24 months	October 2017
States submit infrastructure and transport SIPs	36 months	October 2018
States submit attainment plans	5-6 years	2020-2021
Nonattainment area attainment dates (Marginal – Extreme)	5-22 years	2020-2037

2015 Ozone NAAQS: Upcoming Implementation-Related Rules/Guidance/Activities

- Area designations guidance (including assessing rural transport areas) issued to states in February 2016
 - ☐ Ozone Designations Mapping Tool provides access to air quality data, emissions data, and jurisdictional boundaries
 - ☐ Can be found at <https://www.epa.gov/ozone-designations/ozone-designations-guidance-and-data>
- Proposed rule to update, where necessary, the existing ozone NAAQS implementation regulations targeted for Fall 2016 (more on next slide); final Fall 2017
- PSD permitting:
 - ☐ Final update to Guideline on Air Quality Models (Appendix W to 40 CFR Part 51) (Fall 2016)
 - ☐ Guidance on compliance demonstration tools:
 - * Ozone and PM_{2.5} significant impact levels (SILs) (posted for comment in August 2016)
 - * Model emissions rates for precursors (MERPs) (Fall 2016)
- Update to transportation conformity guidance specific to nonattainment areas for 2015 NAAQS (Fall 2017)



Key Issues to be Addressed in 2015 Ozone NAAQS SIP Requirements NPRM

1. Nonattainment area classification thresholds
2. RFP – milestone compliance demonstrations
3. RACT – submission and implementation deadlines
4. Attainment plans – consideration of sources of intrastate transport
5. NNSR – interprecursor trading
6. CAA section 179B on international emissions impacts
7. Revocation of the 2008 ozone NAAQS



2015 Ozone NAAQS: Anticipated Timeline for Designations Process

Milestone	Date
The EPA promulgates 2015 Ozone NAAQS rule	October 1, 2015
The EPA issues designations guidance	February 25, 2016
Air agencies submit exceptional events demonstrations for data years 2014-2015	No later than the date recommendations are due to EPA (October 1, 2016)
States and tribes submit recommendations for ozone designations (and exceptional events demonstrations for data years 2014-2015) to EPA	No later than October 1, 2016
The EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	No later than June 2, 2017 (120 days prior to final ozone area designations)
The EPA publishes public notice of state and tribal recommendations and the EPA's intended modifications, if any, and initiates 30-day public comment period	On or about June 9, 2017
End of 30-day public comment period	On or about July 10, 2017
States and tribes submit additional information, if any, to respond to the EPA's modification of a recommended designation	No later than August 7, 2017
The EPA promulgates final ozone area designations	No later than October 1, 2017



Background Ozone

- EPA discussed and characterized background ozone issues in several documents:
 - ☐ Proposed and final 2015 Ozone NAAQS preambles
 - ☐ 2015 Ozone Implementation Memo from Janet McCabe to EPA Regional Administrators (October 1, 2015)
 - ☐ Background Ozone White Paper (December 30, 2015)
- To seek input from air agencies and other interested stakeholders, EPA held a workshop on background ozone and solicited written comments through March 31, 2016
 - ☐ Workshop held February 24-25, 2016
 - ☐ Docket for workshop materials and written comments EPA-HQ-OAR-2016-0097
- For more information visit https://www.epa.gov/sites/production/files/2015-10/documents/implementation_memo.pdf and <https://www.epa.gov/ozone-pollution/background-ozone-workshop-and-information>



Exceptional Events

- On September 16, 2016, the EPA finalized the **2016 Revisions to the Exceptional Events Rule**, which address issues raised by stakeholders and increase the administrative efficiency of the rule process
 - <https://www.epa.gov/air-quality-analysis/treatment-data-influenced-exceptional-events>
 - Rule effective date is September 30, 2016
 - Published in Federal Register on October 3, 2016 (81 FR 68216)
- General Elements of the Exceptional Events Rule
 - Applies to all criteria pollutants and NAAQS and all event types
 - Applies to all state air agencies, to (delegated) local air agencies, to tribal air agencies that operate air quality monitors that produce regulatory data and to federal land managers/federal agencies if agreed by the state
 - Establishes procedures and criteria for identifying and evaluating air quality monitoring data affected by exceptional events
 - Provides a mechanism by which air quality data can be excluded from regulatory decisions and actions
 - Affects design value calculations, NAAQS designation decisions, attainment determinations, and State / Tribal / Federal Implementation Plan development



Final Exceptional Events Rule Revisions

- Clarify the types of determinations and actions to which the authorizing statutory authority in CAA section 319(b) applies
 - * Designations/redesignations, classifications, attainment determinations (including clean data determinations), attainment date extensions, findings of SIP inadequacy leading to SIP call, other actions on a case-by-case basis
 - * Return to the core statutory elements of CAA section 319(b)
 - * Clarify “not reasonably controllable or preventable” criteria
 - * “Controllable” and “preventable” are separate tests
 - * Rely on pollutant-relevant controls in attainment/maintenance SIP/FIP/TIPs approved within 5 years of the date of the event
 - * Indicate that air agencies generally have no obligation to specifically address controls for emissions originating outside their jurisdictional (i.e., state/tribal/international) border(s)



Final Exceptional Events Rule Revisions (con't)

- Clarifies high wind elements currently addressed in guidance, such as provisions for the high wind threshold and criteria for “extreme” events
- Codifies requirements for the content and organization of exceptional events submittals
- Removes “general schedule” deadlines for data flagging and demonstration submittal
- Includes new fire-related rule language and preamble text
 - Clarifies that all wildfires on wildland are natural events
 - Clarifies that prescribed fire is a human-caused event eligible for treatment as an exceptional event and finalize a streamlined path to show how air agencies can satisfy rule criteria
- Includes requirements to develop mitigation plans in areas with recurring events



Exceptional Events: Wildfire/Ozone Guidance

- Along with the Revisions to the Exceptional Events, the EPA issued the final version of the non-binding guidance document, ***Guidance on the Preparation of Exceptional Events Demonstrations for Wildfire Events that May Influence Ozone Concentrations***
- Incorporates and applies the Exceptional Events Rule revisions to wildfire/ozone events
- Provides example analyses, conclusion statements, and technical tools that air agencies can use to provide evidence that the wildfire event influenced the monitored ozone concentration
- Uses a tiered approach for analyses to support the clear causal relationship criterion



PM_{2.5} NAAQS Implementation: SIP Requirements Rule

- **Final Air Quality State Implementation Plans; Approvals and Promulgations: Fine Particulate Matter National Ambient Air Quality Standards Rule** published on August 24, 2016 (81 FR 58010)
- Provides the framework for planning requirements for 2012 and future PM_{2.5} NAAQS, and will inform implementation for areas still violating 1997 and/or 2006 PM_{2.5} NAAQS
- Addresses the January 2013 DC Circuit Court remand (*NRDC v. EPA*) of the 2007 PM_{2.5} implementation rule and nonattainment portions of the 2008 NSR rule for PM_{2.5} which held that EPA must implement PM_{2.5} NAAQS under subpart 4 (CAA 188-190) and presumptively required to address all PM_{2.5} precursors (SO₂, NO_x, VOC, ammonia) in SIPs



PM_{2.5} NAAQS Implementation : SIP Requirements Rule

- Final rule addresses all aspects of implementation for Moderate and Serious areas:
 - ☐ Emission inventories
 - ☐ Control measure evaluations [e.g. reasonably available control measures (RACM), best available control measures (BACM), most stringent measures (MSM)]
 - ☐ Attainment demonstration and modeling
 - ☐ Reasonable further progress and quantitative milestones
 - ☐ Contingency measures
 - ☐ Discretionary and mandatory reclassifications
 - ☐ Attainment date extension criteria
 - ☐ Nonattainment New Source Review requirements
 - ☐ Precursor policies (regarding demonstrations to show a precursor has an insignificant contribution to PM_{2.5} levels)
- EPA expects to issue “PM_{2.5} Precursor Demonstration Guidance” recommending technical approaches for conducting precursor demonstrations to assess whether a particular air quality concentration threshold can be considered to be insignificant in a given area later this year.



1997 and 2006 PM_{2.5} NAAQS Implementation

- Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan Provisions for the 1997 Fine Particle (PM_{2.5}) NAAQS and 2006 PM_{2.5} NAAQS Rule issued June 2, 2014 (79 FR 31566) clarified that all nonattainment areas at the time were Moderate and set a deadline of December 31, 2014, for states to provide revised SIP submissions as necessary to meet subpart
 - ☐ Rule was upheld in D.C. Circuit Court decision *WildEarth Guardians v. EPA*, No. 14-1145, July 29, 2016
- 2006 PM_{2.5} NAAQS Moderate area attainment date was December 31, 2015
 - ☐ EPA preparing to issue determinations of attainment/failure to attain by the attainment date based on 2013-15 air quality data
 - ☐ Areas that failed to attain by the attainment date will be reclassified to Serious by operation of law and will need to submit a revised SIP within 18 months that includes “best” controls



PM_{2.5} NAAQS Implementation

- On June 2, 2016, the US District Court for the Northern District of California agreed to a consent decree settlement for *Center for Biological Diversity, Center for Environmental Health, and Neighbors for Clean Air v. EPA* to issue final action on certain states' attainment plans, NNSR plans, infrastructure SIPs, and/or findings of failure to submit
- Approved consent decree established dates (through May 2017) for EPA to take final action on state submissions and/or for states to make overdue submissions (affects 6 states: AZ, CA, ID, MT, OR, UT)



PM_{2.5} NAAQS Implementation (con't)

- On July 1, 2016, the Center for Biological Diversity and the Center for Environmental Health submitted a 60-day NOI to file suit against EPA for its failure to perform several duties related to PM_{2.5} SIPs in the following categories:
 - ☐ PSD Increments
 - ☐ Interstate transport SIPs for 2012 PM_{2.5} NAAQS
 - ☐ 2006 PM_{2.5} NAAQS determinations of attainment and reclassifications for certain areas
 - ☐ 1997 and 2006 PM_{2.5} Infrastructure SIPs



Progress on PM_{2.5} NAAQS Attainment

(as of August 16, 2016)

	1997 PM _{2.5} (2005 Designations)	2006 PM _{2.5} (2009 Designations)	2012 PM _{2.5} (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	32	16	0
Current Nonattainment Areas	7	16	9
Clean Data Determinations	5	8	0
Proposed Redesignations	0	0	0



2010 SO₂ NAAQS Implementation

- EPA revised primary SO₂ standard on June 3, 2010 (75 ppb/1-hour)
- 1-hr SO₂ NAAQS NAA SIP elements guidance issued on April 24, 2014
- Attainment plans for 29 areas currently designated nonattainment were due April 4, 2015
- EPA issued findings of failure to submit (FFS) attainment plans for 16 areas in 11 states, effective April 18, 2016
 - Mandatory sanctions may apply at 18 months (October 18, 2017) and then additional sanction at 24 months (April 18, 2018) if affected states do not submit complete SIPs
 - Affected states may be subject to Federal Implementation Plans (FIPs) if they do not submit SIPs for the 16 areas within 24 months (April 18, 2018)

Current Status of the 29 Initial SO₂ NAAs

- As of August 15, 2016, of the 29 initial areas designated as NAA:
 - ☐ 1 area redesignated to attainment (Billings, MT)
 - ☐ 3 states submitted redesignation and/or clean data requests for 2 areas (Campbell-Clermont, OH-KY and Jefferson County, MO)
 - ☐ NAA area SIPs for 14 areas submitted



2010 SO₂ NAAQS Designations

- Consent decree entered on March 2, 2015, by U.S. District Court for Northern California in *SIERRA CLUB and NATURAL RESOURCES DEFENSE COUNCIL v. EPA* “triggered” the following deadlines:
 - July 2, 2016 - The EPA must complete a round of designations for 61 areas associated with approximately 64 EGUs in 24 states and any undesignated areas with violating monitors (“Round 2” designations)
 - * *EPA issued designations on June 30, 2016, which are effective September 12, 2016*
 - December 31, 2017 - The EPA must complete an additional round of designations for any area a state has not established a new monitoring network by January 1, 2017 per the provisions of the SO₂ Data Requirements Rule (*see subsequent slide*)
 - December 31, 2020 - The EPA must complete designations of all remaining, undesignated areas (expected to be areas where states elected to monitor per the provisions of the DRR)

2010 SO₂ Designations Due on July 2, 2016 Under Consent Decree

- On June 30, 2016, EPA finalized designations for 61 areas for “Round 2”:
 - ☐ Areas where there are sources (electric power plants) that as of March 2, 2015, have not been “announced for retirement,” and
 - ☐ Areas that meet one of the following emissions thresholds:
 - * 16,000 tons of emitted in 2012 or
 - * 2,600 tons of SO₂ emitted in 2012 with an average emission rate of at least 0.45 pounds of SO₂ per mmBtu
 - ☐ Areas where 2013-15 data indicate monitored violations – only Hawaii County, HI – which was determined to be an Exceptional Event
- These designations included 4 nonattainment areas, 41 unclassifiable/attainment areas, and 16 unclassifiable areas

SO₂ NAAQS Data Requirements Rule: Implementation Timeline

- **January 15, 2016:** Air agency identifies applicable sources (i.e., those exceeding threshold and other sources for which air quality will be characterized)
 - ☐ EPA notified states in March 2016 that review of source lists was complete. In a few cases, EPA added sources to characterization list
- **July 1, 2016:** Air agency specifies (for each applicable source) whether it will monitor air quality, model air quality, or establish an enforceable limit
 - ☐ Air agency also accordingly submits a revised monitoring plan, modeling protocols, or descriptions of planned limits on source emissions to less than 2,000 tpy, or documentation that a source has shut down
 - ☐ Two new webpages provide information on the source list and state choices for source characterization, as well as communication between the states and EPA
 - * <https://www3.epa.gov/airquality/sulfurdioxide/drr.html>
 - * <https://www.epa.gov/so2-pollution/so2-data-requirements-rule-state-pathway-notifications>
- **January 2017**
 - ☐ New monitoring sites must be operational by January 1, 2017
 - ☐ Modeling analyses must be submitted to EPA by January 13, 2017
 - ☐ Documentation of federally enforceable emission limits and compliance, or documentation that a source has shut down must be submitted to EPA by January 13, 2017
- **Early 2020:** Monitoring sites will have 3 years of quality-assured data which must be submitted to EPA

SO₂ NAAQS DRR: Status of the Sources on the Source List

- Total number of DRR sources on the source list: 376
 - Based on the July 1, 2016, state notification submittals:
 - * **64** of the **376** sources on the list were included in one of the 61 areas designated in Round 2 (CD Sources)
 - * **44** sources were included in Unclassifiable/Attainment areas
 - * **16** sources were included in Unclassifiable areas
 - * **4** sources were included in Nonattainment areas
- How states chose to characterize the 376 sources on the list (as of August 30, 2016):
 - Modeling: **189**
 - Monitoring: **74**
 - Taking a limit: **49**
 - Shutting down: **6**
 - Sources from the CD round designated as Nonattainment or Unclassifiable/Attainment: **48**
 - TBD: **10**

Total: 376

Intended Schedule for Area Designations for 2010 SO₂ NAAQS Due on December 31, 2017

Milestone	Date
States and tribes may submit updated recommendations and supporting information for area designations to the EPA	No later than January 13, 2017
States and tribes submit modeling analyses pursuant to SO ₂ Data Requirements Rule	No later than January 13, 2017
States submit exceptional events demonstrations for event-influenced SO ₂ monitoring data from 2015-2016	No later than July 14 , 2017
The EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	on/about August 14, 2017 (no later than 120 days prior to final designations)
The EPA publishes public notice of state and tribal recommendations and the EPA's intended modifications and initiates 30-day public comment period	on/about August 24, 2017
End of 30-day public comment period	on/about September 24, 2017
States and tribes submit additional information, if desired, to demonstrate why an EPA modification is inappropriate	No later than October 13, 2017
The EPA signs notice promulgating final SO ₂ area designations for Round 3	on/about December 14, 2017 (can be no later than December 31, 2017)

Steps for Success in SO₂ Designations Rounds 3 and 4

- Schedule is tight – Communication between states and EPA Region is critical
 - ☐ Modeling protocols and monitoring plans can be complicated, so early engagement with your Region is important
 - ☐ Regions will review modeling protocols and monitoring plans quickly after submission to engage states as soon as possible, well in advance of the January 2017 deadline
- EPA (HQ & Regions) is ready to engage now on both of these plans to work towards high quality submittals in January
 - ☐ Early partial approval of SO₂ portion of monitoring plan possible
 - ☐ Several Model Clearinghouse approvals of adj u* already, Appendix W likely will be finalized in Fall 2016, and updated Modeling Technical Assistance Document posted in August 2016



Lead NAAQS Implementation Update

- In 2008, EPA strengthened the standard and changed the level to $0.15\mu\text{g}/\text{m}^3$
 - EPA initially designated 22 areas as nonattainment:
 - * 16 areas were designated nonattainment effective Dec. 31, 2010
 - * 5 additional areas were designated nonattainment effective Dec. 31, 2011
 - * 1 area was designated nonattainment effective October 3, 2014
- As of September 2016, 21 areas remain in nonattainment:
 - EPA expects most of the areas previously designed as nonattainment either will have attained or are on track to attain by end of 2016
 - All but one of the areas that have not attained are implementing specific plans to address the main sources of concern
 - * The remaining area is working on a plan to demonstrate attainment
- On September 16, 2016, EPA completed its review of the Pb NAAQS and issued a decision to retain the existing 2008 standards without revision



Status of Transport Rule Efforts

- Status of the Cross-State Air Pollution Rule (CSAPR)
 - EPA began implementation of this rule on January 1, 2015. It addresses interstate transport obligations for the 1997 ozone, 1997 PM_{2.5} and 2006 PM_{2.5} NAAQS
 - * On July 28, 2015, the D.C. Circuit issued its opinion on the remaining issues raised with respect to CSAPR. While the rule was largely upheld, the budgets for some states were remanded.
- On September 7, 2016, EPA finalized an update to the CSAPR ozone season program by addressing the CSAPR Update
 - This rule addresses interstate transport of ozone pollution with respect to the 2008 ozone NAAQS
 - In 2017, this rule will reduce summertime emissions of NO_x from power plants in 22 states in the eastern half of the U.S.
 - The final rule reflects stakeholder input received during the public comment process and also responds to the July 2015 remand of certain CSAPR budgets by the U.S. Court of Appeals for the D.C. Circuit.
 - Additional information at <http://www.epa.gov/airmarkets/final-cross-state-air-pollution-rule-update>



Interstate Transport: CAA Sections 126 and 176A

- EPA is reviewing four CAA section 126 petitions for various NAAQS
 - ☐ As provided for under the CAA, EPA recently extended the deadlines for EPA's response to the petitions

- EPA also has a pending CAA 176A petition from several Northeastern states to add additional states to the Ozone Transport Region
 - ☐ EPA was sued for failure to timely act on the petition
 - ☐ EPA is considering the appropriate response for this petition



Regional Haze: Status of Actions from First Implementation Period

- EPA has taken actions to satisfy the Consent Decree, but we have outstanding obligations in a few states (e.g., EGU BART in TX and LA)
- Litigation lingers in several states – with challenges for:
 - ☐ CSAPR reliance for EGU BART
 - ☐ FIPs (from states, affected sources, and environmental groups)
 - ☐ Disapproved SIPs (by states and affected sources) and approved SIPs (by environmental groups)
- Other RH related program issues are being considered and addressed:
 - ☐ Options for visibility protection iSIPs
 - ☐ July 28, 2015, CSAPR D.C. Circuit Court opinion and potential interactions with RH SIPs/FIPs



Regional Haze Looking Forward: Planning for the Next Cycle of SIPs

- Rule amendments proposed on May 4, 2016 (81 FR 26942) included:
 - ☐ Provide certain clarifications to reflect the Agency's long-standing interpretations of the 1999 Regional Haze rule
 - ☐ Shift the due date for the next round of comprehensive planning SIPs to July 2021; will not prevent states from submitting SIPs earlier
 - ☐ Change the schedule and process for submitting 5-year Progress Reports
 - ☐ Revise aspects of RAVI provisions
- EPA is currently considering public comments as we work to finalize the rule revisions (later this year)



Regional Haze Looking Forward: Planning for the Next Cycle of SIPs (con't)

- On July 8, 2016 (81 FR 44608), EPA released draft guidance for two key aspects of the program:
 - ☐ 1) Reasonable Progress (RP) Guidelines – Guidance for evaluating the statutory factors and making decisions on RP controls
 - ☐ 2) Visibility Tracking – Tracking visibility progress based on impacts from controllable, anthropogenic emissions instead of all sources
 - ☐ EPA is currently considering public comments as we work to finalize the guidance document (later this year)
- Outreach:
 - ☐ EPA held webinars at proposal and plan to have webinars when we finalize the rule revisions and guidance document
 - ☐ EPA considering other activities that could support the program and state efforts to develop SIPs

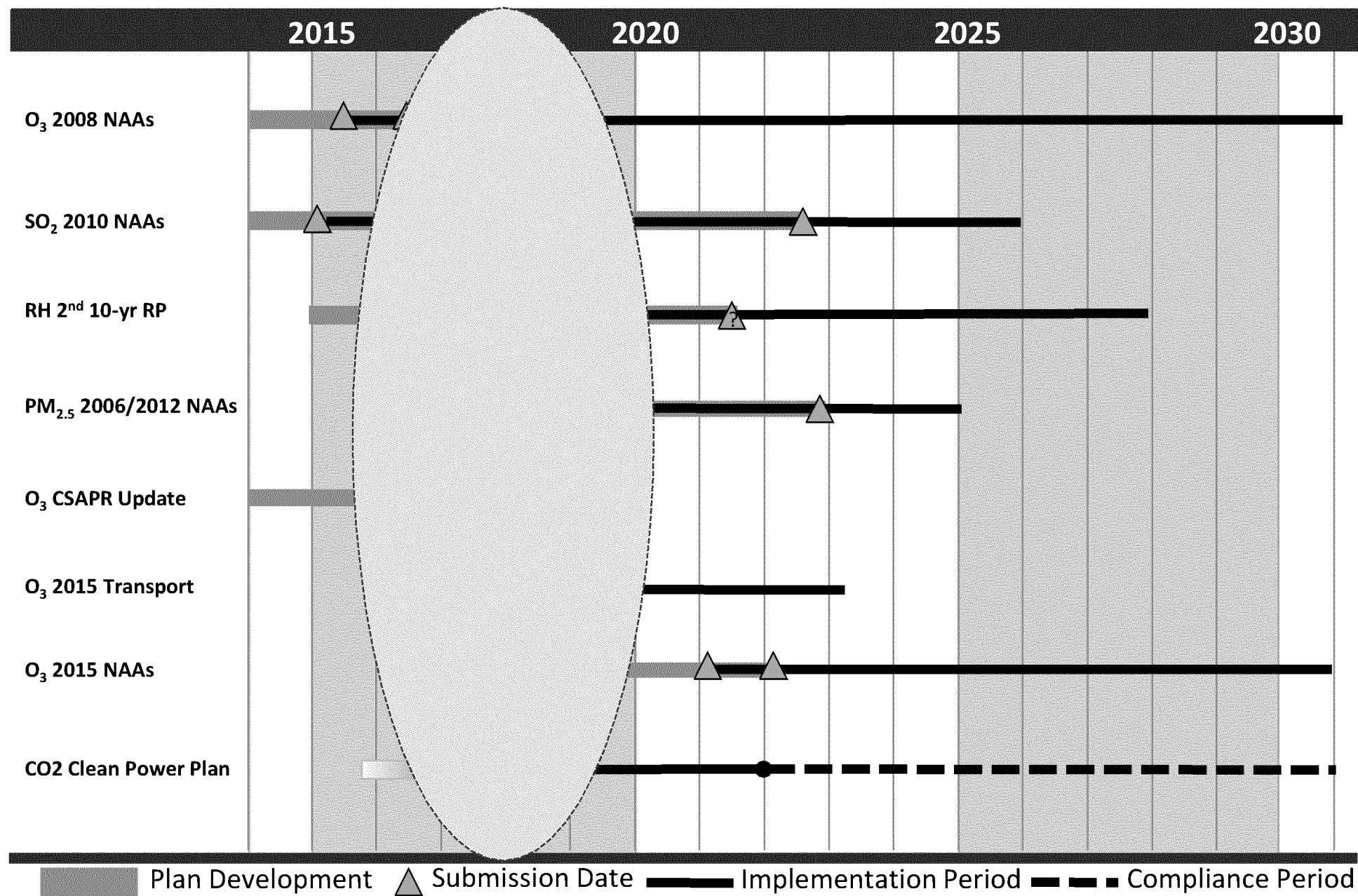


Multi-Pollutant Planning

- A multi-pollutant focus can help optimize strategies to concurrently reduce emissions and exposures to criteria and toxic air pollutants in ways that can reduce air pollution risks and maximize public health protection
- Upfront and early consideration of upcoming NAAQS, climate change, or air toxics policies, as well as local strategies can improve decision making in a way that minimizes costs, and synchronizes timing and planning process
- EPA continues to consider mechanisms to better integrate CAA requirements and timing
 - ☐ It is a dynamic process – we need to continuously review multi-pollutant approaches as we implement current programs and as new requirements arise
- Planning for the Future:
 - ☐ Identifying applicable requirements
 - ☐ Looking for opportunities to harmonize federal requirements
 - ☐ Continue dialogue with states and communities to identify how to best coordinate and harmonize
 - ☐ Continue to promote and support early planning through Ozone and PM Advance Programs
- Additional information and resources on multi-pollutant planning can be found at www.epa.gov/advance/advance-resources



Multiple Air Quality Planning Programs June 2016



Response to SSM Petition, Final Policy and SIP Call

- Final action was signed May 22, 2015, in response to a Sierra Club petition for rulemaking concerning SIP provisions for treatment of excess emissions occurring during periods of startup, shutdown and malfunction (SSM)
 - Final notice restates EPA's SSM Policy as it applies to SIPs with one change regarding affirmative defense (AD) provisions
- SIP Call applies to 36 states (45 jurisdictions), the majority of which were named in the original petition
- Deadline for state action to remove provisions from their rules and make corrective SIP submissions is November 22, 2016
- Challenge from multiple parties filed with D.C. Circuit Court



SIP Processing Improvements

- NACAA-ECOS-EPA SIP Reform Workgroup discussed need to reduce the SIP backlog and improve SIP processing
- Successful Implementation of Key Principles:
 - ☐ Set a goal of clearing the current backlog (as of October 1, 2013) by the end of 2017
 - ☐ Manage the review of all other SIPs consistent with Clean Air Act deadlines
 - ☐ Develop 4-year management plans agreed upon by EPA Regions and states that identify the highest priority SIPs to process and meet the backlog reduction goal
 - ☐ Use best practices and tools developed through the PM_{2.5} Full Cycle Analysis Project (FCAP) to facilitate SIP processing
 - ☐ Increase transparency of SIP review status and improve EPA's SIP tracking system with fields that could be of assistance to states



SIP Processing Improvements (Con't)

- Trends in SIP Processing

- ☐ EPA and air agencies are implementing the best practices from the PM_{2.5} Full Cycle Analysis to improve SIP processing and assessing effectiveness to ensure continued improvement
- ☐ 4-year management plans in place for each state
 - * Will continue to coordinate with states on SIP management plans as a standard practice
- ☐ EPA and states making good progress on eliminating the SIPs backlogged as of October 1, 2013
 - * The number and complexity of new SIP submissions is making this challenging
- ☐ EPA and states working together to prioritize SIPs and manage the review of all other SIPs consistent with Clean Air Act deadlines



SIP Processing Improvements: Integrated Electronic System for SIP Submissions

- Our vision is to create an integrated electronic submission system for SIPs and other state plans that enables us to:
 - ☐ Manage state submissions more efficiently and effectively
 - ☐ Increase transparency through data availability
- EPA embarking on project to leverage new Agency IT systems to improve and modernize the SIP submission process by allowing for:
 - 1) Developing and transmitting SIP submissions;
 - 2) Internal EPA review, collaboration, tracking and storage of plans;
 - 3) External public interface that provides status information on EPA action on SIPs, links to submittals, and links to FR notices; and
 - 4) Additional functionality, such as maintaining SIP compilations and accommodating other types



NSR and Title V Updates

Draft Guidance on Significant Impact Levels (SILs) for Ozone and PM_{2.5} in the Prevention of Significant Deterioration Permitting Program

- Draft guidance posted (revised version posted August 18, 2016) for 60 day comment period through September 30, 2016
 - ☐ Draft guidance includes a memorandum that identifies recommended SIL values for ozone and PM_{2.5} and describes how these values may be used in a PSD compliance demonstration;
 - ☐ A technical basis document (with supporting appendices) describing how EPA developed the SIL values for PM_{2.5} and ozone; and
 - ☐ A legal support document that discusses a legal basis that permitting authorities may choose to apply if allowing sources to use SILs as part of their compliance demonstrations.
 - ☐ Webinar was given on August 24. Slides are posted on website below
<https://www.epa.gov/nsr/forms/significant-impact-levels-ozone-and-fine-particles-prevention-significant-deterioration>



Source Determination Rule for the Oil and Gas Sector

- On June 3, 2016, EPA published the final **Source Determination for Certain Emission Units in the Oil and Natural Gas Sector Rule** (81 FR 35622)
- The rule clarifies the meaning of “adjacent” that is used to determine the scope of a stationary source for purposes of the Prevention of Significant (PSD) and Nonattainment NSR (NNSR) preconstruction permitting programs and the scope of “major source” in the title V permit program in the onshore oil and natural gas sector
 - Part of the comprehensive Oil and Gas Strategy including NSPS, CTG and Indian Country FIP
- For more information visit <https://www3.epa.gov/airquality/oilandgas/actions.html>



E-Notice Rule for NSR, Title V and OCS Permitting

- On October 5, 2016, EPA finalized **Revisions to the Public Notice Provisions in Clean Air Act Permitting Programs** rulemaking is to remove the mandatory newspaper publication requirement for air permits and provide electronic notice as an available, effective, and adequate standard for public notice
 - States have the discretion to continue using newspaper notice
- Consistent with Clean Air Act Advisory Committee Task Force Recommendations
- Final rule not yet published
- For more information go to <https://www.epa.gov/nsr/clean-air-act-permitting-electronic-notice-final-rule>



Amendments to Regional Consistency Regulations

- EPA's Part 56 regulations require that EPA's regulations and policies be applied consistently across all the regional offices
- Final Amends to Regional Consistency Regulations was published on August 3, 2016 (81 FR 51102)
 - ☐ Provides an exception allowing EPA regional offices to deviate from national EPA policy when it is necessary to comply with a U.S. Circuit or District Court decision involving regional or locally applicable matters
 - ☐ Rule change is consistent with May 30, 2014, D.C. Circuit ruling in *NEDA CAP v. EPA*
 - ☐ Rule effective on September 2, 2016
- For more information visit <https://www.epa.gov/title-v-operating-permits/current-regulations-and-regulatory-actions>



PSD Preconstruction Permits Rescission Rule

- On June 3, 2016, EPA published (81 FR 38640) the **proposed Rescission of Preconstruction Permits Issued Under the CAA** revised the “Permit Rescission” provision at 40 CFR 52.21(w). In the rule, we proposed to:
 - ☐ Amend the permit rescission provision to remove a date restriction that limits the use of this provision to permits issued based on the rules in effect on or before July 30, 1987
 - * 1987 date put in place to allow permit rescissions when we transitioned from the PM to PM₁₀ indicator
 - * Due to restriction, in April 2015 EPA amended this provision to allow us to rescind Step 2 GHG permits
 - ☐ Add this permit rescission provision to the major Nonattainment NSR Rules in Indian country to provide permit rescission authority for all federal major source permitting programs
 - ☐ Clarify that permit rescissions continue to be case-by-case determinations
- Public comment period closed on July 14, 2016
 - ☐ We received 6 comments: 2 states, 1 industry, 3 industry associations
 - ☐ Overall commenters were in favor of removing the date restriction but would like us to specify criteria on when a permit rescission should be granted or denied
- ☐ Final rule projected for Fall/Winter 2016



Title V Permitting

- Title V Program and Fee Evaluation Guidance
 - ☐ Satisfies EPA commitments in response to an Office of Inspector General (OIG) report on title V fee oversight
 - ☐ Provides guidance for EPA regions on program and/or fee evaluations of state title V programs
 - ☐ Updating guidance on Agency review of state title V fee schedules
 - ☐ Discretionary for EPA regions and no specific requirements for state programs
 - ☐ Consistent with the EPA's Cross-Media State Programs Health and Integrity Workgroup principles and best practices for oversight of state, local and tribal permitting programs
 - ☐ Committed to completing all OIG recommendations by Fall 2017
 - ☐ Target date for completion is Fall 2016



Revisions to the Petition Provisions of the Title V Permitting Program

- Proposed rulemaking to increase transparency and stakeholder understanding of the petition process, as well as ensure that the Agency is able to efficiently address related programmatic and air quality issues was published on August 24, 2016 (81 FR 57822)
- The proposed revisions:
 - ☐ provide direction for submitting title V petitions, including encouraging the use of an electronic submittal system;
 - ☐ require mandatory content and format for title V petitions; and
 - ☐ require permitting authorities to respond in writing to significant comments received during the public comment period on draft title V permits.
- The preamble also provides guidance on “recommended practices” for permitting authorities and sources to help ensure title V permits have complete administrative records and are consistent with the CAA
 - ☐ If followed, these practices may reduce the likelihood that a petition will be submitted on a title V permit
- The public comment closes October 24, 2016



Regulatory Updates for GHG Permitting

- In April 2015, EPA issued a final rulemaking revising EPA's PSD regulations to enable the EPA to rescind EPA-issued PSD permits for GHG
 - Direct Final (80 FR 26183); Parallel Proposal (80 FR 26210)
- In August 2015, EPA issued a final **Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Certain Vacated Elements Rulemaking** (80 FR 50199)
 - Rule removed certain provisions from PSD and title V that were vacated as part of the D.C.Circuit Court's April 2015 Amended Judgment
- On August 26, 2016, EPA proposed the **Revisions to the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Permitting Regulations and Establishment of a Significant Emissions Rate (SER) for GHG Emissions Under the PSD Program** (81 FR 68110)
 - Rule also proposed the remaining changes to PSD and title V that are necessary to fully implement the D.C. Circuit Court's April 2015 amended judgment
 - The 60 day public comment period ends on December 2, 2016



Removal of Emergency Provisions from Part 70 and 71

- **Proposed Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program Rule** to remove the “emergency” affirmative defense (AD) provisions from title V regulations 40 CFR 70.6(g) and 71.6(g) was published on June 14, 2016 (81 FR 38645)
- The public comment period closed on August 15, 2016; the EPA is currently evaluating all comments received
- This is a follow-up action to similar rulemakings, including the 2015 SSM SIP Call, intended to ensure that the EPA’s policy on AD is consistent across all CAA program areas, following the D.C. Circuit’s *2014 NRDC v. EPA* decision



Questions and Comments



To: Wood, Anna[Wood.Ann@epa.gov]
From: John Hornback
Sent: Mon 11/14/2016 11:09:22 PM
Subject: RE: A couple of follow-up items from the SESARM meeting

Thank you. I will send this out immediately. Thanks again for coming and we'll see you again before too long, I hope.

John E. Hornback

Executive Director

Metro 4/SESARM

205 Corporate Center Dr Ste D

Stockbridge GA 30281-7383



From: Wood, Anna [mailto:Wood.Ann@epa.gov]
Sent: Monday, November 14, 2016 6:09 PM
To: hornback@metro4-sesarm.org
Cc: Banister, Beverly; Kemker, Carol; Gettle, Jeaneanne; Benjamin, Lynorae; Davis, Scott; Worley, Gregg
Subject: A couple of follow-up items from the SESARM meeting

Hi John, hope this email finds you well. Great to see you last week at the SESARM meeting. I wanted to follow-up on a couple of things that came up during our discussions last week. These include information about the upcoming Exceptional Events Workshop in Dallas on November 30th and also providing you with a link to the designation recommendations we received from air agencies for the 2015 Ozone NAAQS.

We do hope more of the SESARM states will participate in the upcoming EE workshop. Attached is the list of attendees thus far and a draft agenda for the workshop. It is not too late to register for the workshop. If anyone would like to register they should contact Liz Etchells at

Etchells.elizabeth@epa.gov.

I will also be talking with my folks and Region 4 about possible webinar on multistate EE demonstration submittals, so please stay tuned for additional information on this topic.

Here's the link to the ozone designations website for 2015 NAAQS.

<https://www.epa.gov/ozone-designations>

How to get to the recommendations:

- Click on "Regulatory Actions" link. It's in the middle box titled, "Regulatory Actions and Guidance for the 2015 Ozone Designations."
- You'll then be at the page "Ozone Designations Regulatory Actions." From this page you can link to recommendations from states or tribes.

We still owe you some information about SO₂ designations for Round 3 which we are working on and will work with Region 4 to provide that information. If there is anything else on your list please let me know and I will be reviewing my notes from the meeting to make sure I did not miss anything. Thanks again for having me, it was good to see everyone. Anna

Anna Marie Wood

Director, Air Quality Policy Division

OAQPS, U.S. EPA

109 T.W. Alexander Drive

Research Triangle Park, NC 27711

(919) 541-3604

To: Wood, Anna[Wood.Ann@epa.gov]
From: EUEC
Sent: Thur 4/6/2017 2:10:48 PM
Subject: ENERGYNews:

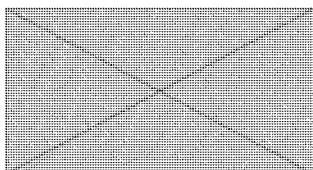
EUEC 2018: USA's Largest Energy Utility Environment Conference



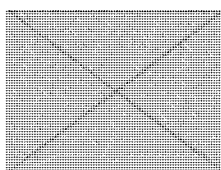
This weeks issue of EnergyNews features presentations on **ELECTION IMPACTS, NSR, CAA, CPP, PERMITS & COMPLIANCE** made at the 20th annual EUEC 2017 in San Diego, California.

LINKS: [EXHIBIT](#) [SPEAK](#) [ATTEND](#)

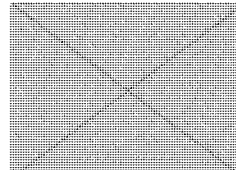
Listed below are the links to make exhibit reservations, submit abstracts to speak, or register to attend EUEC 2018 in San Diego, CA at the early bird rate.



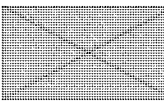
EUEC 2018



By April 30




Early Bird Rates

TRACK A	
Regulatory Update	EUEC 2017
A1. Regulatory Update - Air	NSR, CAA, CPP
<div><p>ENERGY INDUSTRY REGULATIONS, 2017-2020 - John Kinsman, Sr. Director - Environment, Edison Electric Institute</p></div>	<div>A5. Clean Air Act Issues<p>REGIONAL HAZE: ROUND 2 IS JUST AROUND THE CORNER - Mack McGuffey, Partner, Troutman Sanders</p></div>

STILL LEGAL TO BURN FOSSIL
FUEL TO MAKE ELECTRONICS? -
Jay Holloway, Partner,
Sutherland, Asbill & Brennan LLP


UPDATE ON TRIALS &
TRIBULATIONS OF THE
GUIDELINE ON AIR QUALITY
MODELS - Gale Hoffnagle, Sr.
Vice President & Technical
Director, TRC Environmental
Corp

REGIONAL HAZE UPDATE:
REASONABLE COST OR
REASONABLE PROGRESS? -
Eric Hiser, Partner, Jorden Hiser
& Joy, PLC

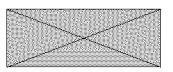
 THE NEW ADMINISTRATION AND
GHG REGULATION: WHAT
SHOULD WE EXPECT? - Dave
Allison Wood, Partner, Hunton &
Williams LLP

HOW MARKETS & GOVERNMENT
AGENCIES ARE REACTING TO
THE CPP- Block Andrews,
Strategic Environmental
Solutions Dir., Burns &
McDonnell

A2. Election Impacts on Energy

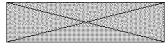
 ELECTIONS HAVE
CONSEQUENCES; CAMPAIGN
PROMISES CONFRONT
TRADEOFFS - Marc Chupka,
Principal, The Brattle Group

 IMPACT OF THE ELECTION ON
EPA'S VEHICLE GHG
REGULATORY PROGRAM -
Andrea Campbell, Partner, Van
Ness Feldman LLP

 FATE OF OBAMA'S
ENVIRONMENTAL RULES - CAN
THE TRAIN WRECK BE
EXTRICATED - Andrew Byers,
AVP Environmental Services,
Black & Veatch

 THE ROLE OF POLITICS IN
REGULATORY APPROVALS -
Christopher Hopkins, Principal,
River Landing Solutions LLC

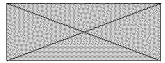
PERMITTING ON FEDERAL
LANDS - CHANGES UNDER THE
NEW ADMINISTRATION -
John King, Principal,
Environmental Management and
Planning Solutions



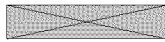
**HOW VOLUNTARY MARKETS
CAN DRIVE THE CLEAN
ENERGY TRANSITION** - Kristen
Sheeran, Director of Regulatory
Affairs, 3Degrees

A3. NAAQS & SSM Exemptions

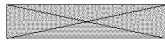
**DEVELOPING APPROVABLE
LONG-TERM LIMITS UNDER
EPA'S SO2 GUIDANCE** - Eric
Hiser, Partner, Jorden Hiser &
Joy, PLC



**2015 OZONE NAAQS AREA
DESIGNATIONS - WHO'S AT
RISK?** - Mike Knechtel, Air
Permitting Section Leader, Black
& Veatch

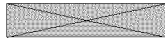


**HOW TO MODEL NAAQS
COMPLIANCE WITH EPA'S
REMOVAL OF SSM EXEMPTION** -
Mary Kaplan, AQ Meteorologist,
AECOM; Robert Paine

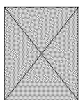


**WHAT THE DEMISE OF THE
"SSM EXEMPTION" MEANS FOR
THE POWER SECTOR** -
Alexandra Bromer, Partner,
Perkins Coie LLP

A4. NSR



**UNPRECEDENTED NSR
CHALLENGES: MODELING
CONUNDRUM FOR OZONE &
PM2.5** - Robert Paine, Associate
Vice President, AECOM; David
Heinold



**NSR 2017 - THE CHALLENGE
CONTINUES** - David Jordan,
Partner, ERM



**THE UTILITY NEW SOURCE
REVIEW ENFORCEMENT
INITIATIVE** - Makram Jaber,
Partner, Hunton & Williams LLP

**SHIFT IN FOCUS? 2016
SETTLEMENTS AND NSR CD
IMPLEMENTATION UPDATE** -
Liz Williamson, Partner,
Sutherland, Asbill & Brennan
LLP

**GHG PERMIT COMPLIANCE
CASE STUDY FOR NATURAL**

GAS COMBINED CYCLE UNITS -
Larry Moon, Principal, Zephyr
Environmental Corporation

CRASH COURSE IN PSD
PERMITTING - KEY CONCEPTS,
STRATEGIES AND PITFALLS -
Piyush Srivastav, President,
NAQS - Environmental Experts

A5.
Clean
Air
Act
Issues

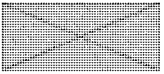
A6.
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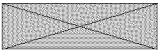
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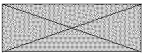
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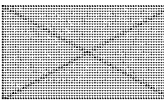


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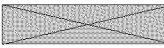


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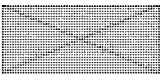
**A7.
Air
Programs
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Permitting**



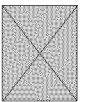
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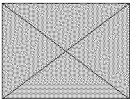
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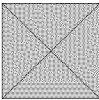
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**A8.
Water**



**MERCURY AND AIR TOXICS
STANDARDS: REGULATORY AND
LITIGATION UPDATE - Angela Levin,
Partner, Troutman Sanders LLP**

**IS FEDERALISM ALIVE UNDER THE
CLEAN AIR ACT (REDUX)? - William
Wehrum, Partner, Hunton & Williams
LLP**

**IMPLICATIONS OF RECENT NAAQS
UPDATES FOR THE UTILITY
SECTOR - Divya Agarwal, Managing
Consultant, Trinity Consultants**



**CITIZEN SCIENCE 2017 - Shawn
Dolan, President, Virtual Technology
LLC**

A6. 111(d) - CPP Compliance

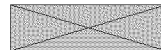
STATE CLEAN POWER PLAN
ACTIVITIES - Nicholas Martin,
Environmental Policy Manager, Xcel
Energy; Lauren Quillian

CAPTURING ENERGY EFFICIENCY
(EE) SAVINGS FOR THE CPP -
Robert Neumann, Associate Director,
Navigant Consulting, Inc.

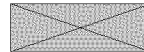
ADMINISTRATIVE PATHWAYS FOR
AMMENDING EPA REGULATIONS -
Megan Berge, Partner, Baker Botts
LLP



ECONOMIC EFFECT ON THE U.S.
REFINING INDUSTRY OF EPA
CLEAN AIR ACT - Bill Smalling,
Attorney, The Law Office of C.
William Smalling, PC



CARBON CONVERSION FOR
INCREASED EFFICIENCY AND
CARBON REDUCTION - Michael
Garvin, Associate Director, Illinois
Institute of Technology

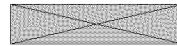


OLD SMOKEY POWER - THE
REGULATORY CONUNDRUM
CONTINUES! - Peter T. Belmonte,
P.E., Vice President & Director, TRC
Environmental Corporation

A7. Air Programs & Permitting



OVERVIEW AND UPDATE OF
INTERSTATE TRANSPORT ISSUES -
Riaz Mohammed, Manager, EEI



PM2.5 EMISSION FACTORS FOR
NATURAL GAS-FIRED ENGINES -
Glenn England, Principal Consultant,
Ramboll Environ; Jasmine Urisk,
CEPEI; Kevin Crosby, Montrose Air
Quality Services



A PROPOSAL FOR U.S. CLEAN AIR
ACT REFORM FOR A GLOBAL
WORLD - Bill Smalling, Attorney, The
Law Office of C. William Smalling,
PC



CRITICAL ISSUES FOR NATURAL
GAS POWER PLANT SITING AND
LICENSING - David Shotts, PE,
Partner, ERM; Tom Wickstrom



AIR PERMITTING CHALLENGES FOR
DISTRIBUTED GENERATION -
Rhiana C. Dornbos, PE, Project
Engineer, NTH Consultants, Ltd.;
Jeffrey P. Jaros

FROM A THEORETICAL AIR PERMIT
TO ACTUAL COMPLIANCE -
LESSONS LEARNED - Mary Hauner-
Davis, Manager, Burns & McDonnell;

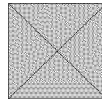
A8. Water & Land Compliance

REGULATORY CHALLENGES
ASSOCIATED W/ PERMITTING
WASTE CONVERSION TECH -
George Namie, Sr. Air Quality
Specialist, Leidos

IMPLEMENTING NATIONWIDE
PERMIT PROGRAM & OTHER
PERMITTING STRATEGIES -
Valisa Nez, Environmental
Regulatory Specialist, Sargent &
Lundy, LLC

ADVANCES IN GHG MITIGATION -
Jesse Frederick, Vice President,
WZI

SITING, PERMITTING, &
OPERATING FACILITIES IN SAGE
GROUSE HABITAT - David Batts,
Principal, EMPSi - Environmental
Management & Planning
Solutions



TIPS FOR SUCCESSFUL GHG
DATA REPORT PREPARATION
AND VERIFICATIONS - Subbarao
Nagulapaty, Associate, GHD

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March 5-7, 2018. San Diego Convention Center, San Diego, CA

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CONTACT: www.euec.com info@euec.com (520) 615-3535

EUEC, P.O. Box 66076, Tucson, AZ 85728

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Sent by pdayal@euec.com

To: Clint Woods[cwoods@csg.org]
From: Wood, Anna
Sent: Tue 8/29/2017 8:17:47 PM
Subject: RE: Check-in on Exceptional Events Next Wednesday

We do as well, thanks!

From: Clint Woods [mailto:cwoods@csg.org]
Sent: Tuesday, August 29, 2017 4:16 PM
To: Wood, Anna <Wood.Ann@epa.gov>
Subject: Re: Check-in on Exceptional Events Next Wednesday

Thanks so much - Sorry in advance for the busy afternoon tomorrow, but our members really appreciate the opportunity!

On Aug 29, 2017, at 4:14 PM, Wood, Anna <Wood.Ann@epa.gov> wrote:

Thanks Clint, I also received the info for the permitting call, appreciate it and we'll talk more tomorrow, thanks

From: Clint Woods [mailto:cwoods@csg.org]
Sent: Friday, August 25, 2017 5:03 PM
To: Wood, Anna <Wood.Ann@epa.gov>
Subject: RE: Check-in on Exceptional Events Next Wednesday

Anna,

Attached is the proposed agenda for Wednesday on Exceptional Events, along with 10 pages of excerpts/compiled comments from our members. I will be circulating the suggested agenda for the permitting call early next week.

Thanks so much!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

Ex. 6 - Personal Privacy office

cwoods@csg.org

<http://www.cleanairact.org>

From: Clint Woods

Sent: Friday, August 25, 2017 7:49 AM

To: Wood, Anna

Subject: RE: Check-in on Exceptional Events Next Wednesday

Anna,

Thanks so much - We have a quick call early this afternoon with our leadership to run through the suggested agendas for the Exceptional Events and permitting calls scheduled for August 30, and I will shoot over the proposed agendas to all participants after that. Below is an initial compilation of recent AAPCA member comments on exceptional events issues.

For the permitting call scheduled for 3:00 on the 30th, would it be possible to have EPA provide a quick introduction to interagency permitting efforts, followed by AAPCA member feedback on permitting issues, and then potentially devote a few minutes at the end to the draft Title V fee guidances? I think we will have the right cross-section of air directors and permitting/nsr committee members on the line, and I want to make sure we are taking advantage of everyone's time.

Thanks!

Clint

Agency Comments as Part of U.S. EPA's Regulatory Reform Process

In July 2017, AAPCA released a new report *The State of Regulatory Reform: Navigating State Perspectives on Clean Air Act Regulations Under Executive Order 13777*. The report highlights individual Clean Air Act regulations and themes discussed in state and local agency comments as part of U.S. EPA's regulatory reform process.

Several states indicated issues with the Exceptional Events Rule (report, pg. 4):

- **Arizona Department of Environmental Quality, Attachment (pg. 2)**
- Arkansas Department of Environmental Quality, pg. 7 – 8
- North Carolina Division of Air Quality, pg. 19 – 20
- Utah Division of Air Quality, pg. 3 – 4
- Wyoming Department of Environmental Quality, pg. 6 – 7

Other relevant comments: Clark County Department of Air Quality (NV), pg. 3; American Association of State Highway and Transportation Officials, Attachment; Western Governors Association, pg. 13; Association of Air Pollution Control Agencies, pg. 3

Comments on the Proposed Revisions to the Exceptional Events Rule

AAPCA compiled state and local agency comments on the proposed revision of the Exceptional Events Rule and related draft wildfire guidance, which can be found here. Comments were submitted by 22 state environmental agencies and 10 local air agencies.

State Agency Comments

- Alaska
- Arizona
- Arkansas

- California
- Colorado
- Georgia
- Iowa
- Kansas
- Kentucky
- Michigan
- Minnesota
- Missouri
- Nevada
- New Mexico
- North Carolina
- Oklahoma
- South Carolina
- Texas
- Virginia
- Washington
- Wisconsin
- Wyoming

Local Agency Comments

- Arizona Department of Environmental Quality, the Maricopa Association of Governments, the Maricopa County Air Quality Department, the Pinal County Air Quality Control District, and the Pima County Department of Environmental Quality
- Clark County (NV)

- Imperial County Air Pollution Control District (CA)
- Pinal County (AZ)
- Sacramento Metropolitan Air Quality Management District (CA)
- San Joaquin Valley Air Pollution Control District (CA)
- Ventura County Air Pollution Control District (CA)
- Washoe County (NV)

Comments were also filed on the proposed revisions by the following associations:

- AAPCA
- California Air Pollution Control Officers Association
- National Tribal Air Association
- WESTAR
- Western Governors Association
- American Association of State Highway and Transportation Officials

Agency Comments on Exceptional Events in Feedback on U.S. EPA's Proposed 2015 Ozone NAAQS

In June 2015, AAPCA released the report State Environmental Agency Perspectives on Background Ozone & Regulatory Relief, which included a survey of AAPCA member agency comments on Exceptional Events (pg. 10 – 11):

“EPA should establish clear protocols for reviewing all of the exceptional events documentation packages submitted by states. These protocols should call for EPA to respond to states’ requests for exceptional events determinations as expeditiously as practicable. Given the probabilistic nature of the ozone standard, any such protocol for reviewing exceptional events documentation packages should allow states to request that data be excluded even if those data do not reflect an exceedance of the standard, so long as the circumstances that resulted in the elevated concentrations meet the criteria for an exceptional event.”

– Florida Department of Environmental Protection, pg. 3-4

“GEPD strongly urges EPA to provide additional clarification and guidance for submittal of exceptional event documentation.”

– Georgia Environmental Protection Division, pg. 9

“Exceptional events demonstrations for NAAQS violations resulting from high background ozone concentrations in the rural west will be too lengthy, frequent, and onerous.... The analysis and demonstration for a single stratospheric intrusion exceptional events package would require resources beyond what is currently available. The NDEP’s past experience is that a large portion of the agency’s resources have been consumed by investigating, analyzing and preparing demonstrations for suspected exceptional events, which takes away from the agency’s ability to focus on air quality planning and implementation that would actually provide public health protections.”

– Nevada Division of Environmental Protection, pg. 8-9

“The ‘exceptional event exclusion’ may be useful in rare instances, but demonstrating even a single instance is extremely burdensome and, as previously discussed, the states face uncertainty regarding what is required for an acceptable exceptional events demonstration.”

– Texas Commission on Environmental Quality, p. 34

“DEQ has not been successful in receiving concurrence on the exclusion of any ozone data even though various monitors across the Commonwealth experienced elevated ozone levels throughout these events. The EER places an undue burden on states by requiring a very stringent ‘but for’ demonstration, which goes well beyond the requirements in the Clean Air Act (CAA).... Even with longer timeframes, emission inventory development to support these analyses would be prohibited by the resource-intensive nature of such a project.”

– Virginia Department of Environmental Quality, pg. 2

From: Wood, Anna [Wood.Ann@epa.gov]
Sent: Friday, August 25, 2017 7:26 AM
To: Clint Woods
Subject: Check-in on Exceptional Events Next Wednesday

Good morning Clint, hope this email finds you well.

I am checking in to see if AAPCA still plans on sending information about the AAPCA states concerns about EE related issues. We are looking forward to receiving the information if you have it available. We want to make sure we are prepared for a good dialogue on this topic. Thank you and have a great weekend, Anna

Sent from my iPhone

On Aug 24, 2017, at 12:51 PM, Clint Woods <cwoods@csg.org> wrote:

AAPCA Members and 2017 Fall Business Meeting Attendees,

I hope all is well - Thank you for your interest in the Association of Air Pollution Control Agencies' 2017 Fall Business Meeting, to be held September 20 – 22 in Raleigh, North Carolina. This email provides several priority details on the meeting related to AAPCA's hotel block, registration, and the working agenda. One week prior to the meeting, AAPCA will provide all attendees with the final agenda, registration list, and other details and logistics..

- Location and Transportation. AAPCA's 2017 Fall Business Meeting will be held at the DoubleTree by Hilton Hotel Raleigh - Brownstone – University, located at 1707 Hillsborough Street in Raleigh, North Carolina. There is a limited number of rooms available for the nights of September 19 through 22, so please book your hotel as soon as possible here. Please email cwoods@csg.org if you have a hotel room and are not planning to attend the meeting, or if you have any issues booking a room. Maps, directions, transportation and other hotel details can be found here. There is no direct shuttle from the airport, but taxis are available (estimated \$32.00); if you drive, parking at the hotel is complimentary. Hotel check-in is at 3:00 PM and check-out is 11:00 AM.
- Registration. If you have not already registered for AAPCA's 2017 Fall Business Meeting, please do so on AAPCA's website by August 31 to help ensure that we have the correct information for your name tag and other meeting materials. On-site meeting registration will be open Wednesday, September 20, from 10:00 AM – 5:30 PM, and Thursday, September 21. The registration desk will be located in the Washington/Jefferson Room at the hotel. Please stop by so we can welcome you and provide your nametag and meeting packet.
- Agenda. You can find the current working agenda for AAPCA's 2017 Fall Business Meeting here. Electronic copies of all presentations will be available

on AAPCA's website (www.cleanairact.org) following the meeting. As a reminder, the topical session on long-term and succession planning and the Opening Reception on Wednesday, September 20 are open to all attendees, as is programming on Thursday, September 21, while the programs on Friday, September 22 is limited to AAPCA members, governmental attendees, and multi-jurisdictional organization personnel. The AAPCA Board of Directors meeting on September 20 is intended for AAPCA Board Members or their proxies, but open to AAPCA Member staff and multi-jurisdictional organization personnel.

- Attendees. AAPCA will be distributing a list of attendees a week prior to the meeting, but nearly 100 participants are currently registered including senior officials from more than two dozen state and local air agencies. Please let jsloan@csg.org know if you would like an attendance certificate from the meeting.
- Dress. Business casual attire is acceptable for all events.
- Assistance. If you have any questions, need assistance, or an emergency arises during the event, please contact one of the AAPCA staff members listed below:

o Clint Woods, AAPCA Executive Director, Ex. 6 - Personal Privacy (cell),
cwoods@csg.org

o Jason Sloan, AAPCA Policy & Membership Associate Ex. 6 - Personal Privacy (cell),
jsloan@csg.org

We look forward to seeing you in Raleigh. Please let us know if you have any questions, concerns, or feedback. Thanks!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

Ex. 6 - Personal Privacy – office

cwoods@csg.org

<http://www.cleanairact.org>

<image002.jpg>

To: hornback@metro4-sesarm.org[hornback@metro4-sesarm.org]
From: Wood, Anna
Sent: Mon 9/25/2017 5:42:14 PM
Subject: Fwd: Straw proposal for agenda for Fall Directors' Meeting in Atlanta Oct 31-Nov 2

Hi John, please let me know if you all are going to want someone from my shop to talk about title V related issues and what is the nature of the issues- I'm not sure that Vera is the right person. If you could let me know what you all are thinking and what you need - we can figure out the right person- thx!

Sent from my iPhone

Begin forwarded message:

From: "Thompson, Rhonda" <thompsrb@dhec.sc.gov>
Date: September 25, 2017 at 7:15:31 AM PDT
To: "Alteri, Sean (EEC)" <Sean.Alteri@ky.gov>
Cc: Lynne Liddington <lliddington@aqm.co.knox.tn.us>, John Hornback <hornback@metro4-sesarm.org>, "scott.cardno@huntsvilleal.gov" <scott.cardno@huntsvilleal.gov>, "jason.howanitz@jcdh.org" <jason.howanitz@jcdh.org>, "corey.m.masuca@jcdh.org" <corey.m.masuca@jcdh.org>, "jonathan.stanton@jcdh.org" <jonathan.stanton@jcdh.org>, "lfernandez@broward.org" <lfernandez@broward.org>, "mpognon@broward.org" <mpognon@broward.org>, "campbell@epchc.org" <campbell@epchc.org>, "melissal@coj.net" <melissal@coj.net>, "robinson@coj.net" <robinson@coj.net>, "mcwilliams@coj.net" <mcwilliams@coj.net>, "bieleb@miamidade.gov" <bieleb@miamidade.gov>, "gonzaj@miamidade.gov" <gonzaj@miamidade.gov>, "roberma@miamidade.gov" <roberma@miamidade.gov>, "renee.parker@ocfl.net" <renee.parker@ocfl.net>, "laxmana.tallam@flhealth.gov" <laxmana.tallam@flhealth.gov>, "asatyal@pinellascounty.org" <asatyal@pinellascounty.org>, "rachael.hamilton@louisvilleky.gov" <rachael.hamilton@louisvilleky.gov>, "michelle.king@louisvilleky.gov" <michelle.king@louisvilleky.gov>, "keith.talley@louisvilleky.gov" <keith.talley@louisvilleky.gov>, "david.brigman@buncombecounty.org" <david.brigman@buncombecounty.org>, "barnetwm@forsyth.cc" <barnetwm@forsyth.cc>, "lloydpb@forsyth.cc" <lloydpb@forsyth.cc>, "raglanre@forsyth.cc" <raglanre@forsyth.cc>, "ebenezer.gujjarlapudi@mecklenburgcountync.gov" <ebenezer.gujjarlapudi@mecklenburgcountync.gov>, "jason.rayfield@mecklenburgcountync.gov" <jason.rayfield@mecklenburgcountync.gov>, "leslie.rhodes@mecklenburgcountync.gov" <leslie.rhodes@mecklenburgcountync.gov>, "bcolby@chattanooga.gov" <bcolby@chattanooga.gov>, "brivera@aqm.co.knox.tn.us" <brivera@aqm.co.knox.tn.us>, "john.finke@nashville.gov" <john.finke@nashville.gov>, "bob.rogers@shelbycountyttn.gov" <bob.rogers@shelbycountyttn.gov>, "larry.smith@shelbycountyttn.gov" <larry.smith@shelbycountyttn.gov>, "lwb@adem.alabama.gov" <lwb@adem.alabama.gov>, "rwg@adem.alabama.gov" <rwg@adem.alabama.gov>, "jeff.koerner@dep.state.fl.us" <jeff.koerner@dep.state.fl.us>,

"preston.mclane@dep.state.fl.us" <preston.mclane@dep.state.fl.us>,
"karen.hays@dnr.ga.gov" <karen.hays@dnr.ga.gov>, "dika.kuoh@dnr.ga.gov"
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"michael.abraczinskas@ncdenr.gov" <michael.abraczinskas@ncdenr.gov>,
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<porterhj@dhec.sc.gov>, "michelle.b.walker@tn.gov" <michelle.b.walker@tn.gov>,
"quincy.styke@tn.gov" <quincy.styke@tn.gov>, "thomas.ballou@deq.virginia.gov"
<thomas.ballou@deq.virginia.gov>, "michael.dowd@deq.virginia.gov"
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<michael.kiss@deq.virginia.gov>, "laura.m.crowder@wv.gov"
<laura.m.crowder@wv.gov>, "william.f.durham@wv.gov" <william.f.durham@wv.gov>,
"banister.beverly@epa.gov" <banister.beverly@epa.gov>, "Kemker, Carol"
<Kemker.Carol@epa.gov>, "freeman.caroline@epa.gov" <freeman.caroline@epa.gov>,
"Mitchell, Ken" <Mitchell.Ken@epa.gov>, "perry.stuart@epa.gov"
<perry.stuart@epa.gov>, "davis.scottr@epa.gov" <davis.scottr@epa.gov>,
"spagg.beverly@epa.gov" <spagg.beverly@epa.gov>, "worley.gregg@epa.gov"
<worley.gregg@epa.gov>, "ackerman.laura@epa.gov" <ackerman.laura@epa.gov>,
"Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>, "mundrick.doug@epa.gov"
<mundrick.doug@epa.gov>, "wayland.richard@epa.gov" <wayland.richard@epa.gov>,
"wood.anna@epa.gov" <wood.anna@epa.gov>, Nancy Seidman
<nseidman@raponline.org>, "carson@metro4-sesarm.org" <carson@metro4-sesarm.org>,
"boges@metro4-sesarm.org" <boges@metro4-sesarm.org>

Subject: Re: Straw proposal for agenda for Fall Directors' Meeting in Atlanta Oct 31-Nov 2

Great ideas everyone. I don't see a need to invite Mike or Clint as speakers. They are welcome to attend to hear our issues and concerns.

Sent from my iPhone

Rhonda Banks Thompson, P.E.

Chief, Bureau of Air Quality

S.C. Department of Health & Environmental Control

Office: 803-898-4391

Mobile: Ex. 6 - Personal Privacy

thompsrb@dhec.sc.gov

Connect: www.scdhec.gov

[Facebook](#) [LinkedIn](#)

On Sep 25, 2017, at 7:05 AM, Alteri, Sean (EEC) <Sean.Alteri@ky.gov> wrote:

Excellent response, Lynne.

Following up our outstanding AAPCA meeting, I would suggest having a state/local agency led agenda with key EPA updates.

NAAQS Update – Anna Wood

Interstate Transport update – specific to 2008 and 2015 Ozone standards – Chet Wayland

VW settlement update – Scott Davis

Grant/Budget update – Carol Kemker and Stuart Perry

Training opportunities – Doug Carson

Streamlining the TV permit process – Vera Kornlyak and Heather Ceron

Ambient Monitoring – TSAs, QAPPs and SOPs – Todd Rinck, Laura Ackerman, Stephanie McCarthy

I volunteer to moderate Chet's session.

It was great to see everyone last week. For those that were not able to attend AAPCA's Fall membership meeting, I look forward to our discussions/conversations at Metro4/SESARM.

Thanks,

Sean

Sean Alteri, Director

Kentucky Division for Air Quality

300 Sower Boulevard, 2nd Floor

Frankfort, Kentucky 40601

(502) 782-6541

<http://air.ky.gov>

From: Lynne Liddington [<mailto:lliddington@aqm.co.knox.tn.us>]

Sent: Monday, September 25, 2017 9:41 AM

To: 'John Hornback' <hornback@metro4-sesarm.org>; scott.cardno@huntsvilleal.gov; jason.howanitz@jcdh.org; corey.m.masuca@jcdh.org; jonathan.stanton@jcdh.org; lfernandez@broward.org; mpognon@broward.org; campbell@epchc.org; melissal@coj.net; robinson@coj.net; mewilliams@coj.net; bieleb@miamidade.gov; gonzaj@miamidade.gov; roberma@miamidade.gov; renee.parker@ocfl.net; laxmana.tallam@flhealth.gov; asatyal@pinellascounty.org; rachael.hamilton@louisvilleky.gov; michelle.king@louisvilleky.gov; keith.talley@louisvilleky.gov; david.brigman@buncombecounty.org; barnetwm@forsyth.cc; lloydpb@forsyth.cc; raglanre@forsyth.cc; ebenezer.gujjarlapudi@mecklenburgcountync.gov; jason.rayfield@mecklenburgcountync.gov; leslie.rhodes@mecklenburgcountync.gov; bcolby@chattanooga.gov; brivera@aqm.co.knox.tn.us; john.finke@nashville.gov; bob.rogers@shelbycountyttn.gov; larry.smith@shelbycountyttn.gov; lwb@adem.alabama.gov; rwg@adem.alabama.gov; jeff.koerner@dep.state.fl.us; preston.mclane@dep.state.fl.us; karen.hays@dnr.ga.gov; dika.kuoh@dnr.ga.gov; Alteri, Sean (EEC) <Sean.Alteri@ky.gov>; Duff, Melissa K (EEC) <melissa.duff@ky.gov>; clafontaine@mdeq.ms.gov; michael.abraczinskas@ncdenr.gov; michael.pjetraj@ncdenr.gov;

porterhj@dhec.sc.gov; thompsrb@dhec.sc.gov; michelle.b.walker@tn.gov;
quincy.styke@tn.gov; thomas.ballou@deq.virginia.gov;
michael.dowd@deq.virginia.gov; michael.kiss@deq.virginia.gov;
laura.m.crowder@wv.gov; william.f.durham@wv.gov

Cc: 'Banister, Beverly' <Banister.Beverly@epa.gov>; 'Kemker, Carol' <Kemker.Carol@epa.gov>; freeman.caroline@epa.gov; 'Mitchell, Ken' <Mitchell.Ken@epa.gov>; perry.stuart@epa.gov; 'Davis, Scott' <Davis.ScottR@epa.gov>; spagg.beverly@epa.gov; 'Worley, Gregg' <Worley.Gregg@epa.gov>; ackerman.laura@epa.gov; 'Gettle, Jeaneanne' <Gettle.Jeaneanne@epa.gov>; mundrick.doug@epa.gov; wayland.richard@epa.gov; wood.anna@epa.gov; 'Nancy Seidman' <nseidman@raponline.org>; carson@metro4-sesarm.org; boges@metro4-sesarm.org

Subject: RE: Straw proposal for agenda for Fall Directors' Meeting in Atlanta Oct 31-Nov 2

John,

- No litigation update
- Invite Miles Keogh (new NACAA Executive Director) and Clint Woods (AAPCA Executive Director) to the meeting, no presentations, just an opportunity for folks to meet them
- Drop agency highlights on Thursday
- Follow up Nancy Seidman with a session on transportation needs of the future, needed infrastructure, etc. Instead of yourself speaking, this could be presented by a TPO or Chamber person
- I would like to moderate Anna Woods' session

Lynne A. Liddington

Director

Air Quality Management

Knox County Health Department

140 Dameron Ave.

Knoxville, TN 37917

865-215-5900 office

Ex. 6 - Personal Privacy

<image001.jpg>

From: John Hornback [<mailto:hornback@metro4-sesarm.org>]

Sent: Saturday, September 16, 2017 4:51 PM

To: scott.cardno@huntsvilleal.gov; jason.howanitz@jcdh.org; corey.m.masuca@jcdh.org; jonathan.stanton@jcdh.org; lfernandez@broward.org; mpognon@broward.org; campbell@epchc.org; melissal@coj.net; robinson@coj.net; mcwilliams@coj.net; bieleb@miamidade.gov; gonzaj@miamidade.gov; roberma@miamidade.gov; renee.parker@ocfl.net; laxmana.tallam@flhealth.gov; asatyal@pinellascounty.org; rachael.hamilton@louisvilleky.gov; michelle.king@louisvilleky.gov; keith.talley@louisvilleky.gov; david.brigman@buncombecounty.org; barnetwm@forsyth.cc; lloydpb@forsyth.cc; raglanre@forsyth.cc; ebenezer.gujjarlapudi@mecklenburgcountync.gov; jason.rayfield@mecklenburgcountync.gov; leslie.rhodes@mecklenburgcountync.gov; bcolby@chattanooga.gov; laliddington@aqm.co.knox.tn.us; brivera@aqm.co.knox.tn.us; john.finke@nashville.gov; bob.rogers@shelbycountyttn.gov; larry.smith@shelbycountyttn.gov; hornback@metro4-sesarm.org; lwb@adem.alabama.gov; rwg@adem.alabama.gov; jeff.koerner@dep.state.fl.us; preston.mclane@dep.state.fl.us; karen.hays@dnr.ga.gov; dika.kuoh@dnr.ga.gov; sean.alteri@ky.gov; melissa.duff@ky.gov; clafontaine@mdeq.ms.gov; michael.abraczinskas@ncdenr.gov; michael.pjetraj@ncdenr.gov; porterhj@dhec.sc.gov; thompsrb@dhec.sc.gov; michelle.b.walker@tn.gov; quincy.styke@tn.gov; thomas.ballou@deq.virginia.gov; michael.dowd@deq.virginia.gov; michael.kiss@deq.virginia.gov; laura.m.crowder@wv.gov; william.f.durham@wv.gov

Cc: Banister, Beverly <Banister.Beverly@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; freeman.caroline@epa.gov; Mitchell, Ken <Mitchell.Ken@epa.gov>; perry.stuart@epa.gov; Davis, Scott <Davis.ScottR@epa.gov>; spagg.beverly@epa.gov; Worley, Gregg <Worley.Gregg@epa.gov>; ackerman.laura@epa.gov; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; mundrick.doug@epa.gov; wayland.richard@epa.gov; wood.anna@epa.gov; Nancy Seidman <nseidman@raponline.org>; carson@metro4-sesarm.org; boges@metro4-sesarm.org

Subject: Straw proposal for agenda for Fall Directors' Meeting in Atlanta Oct 31-Nov 2

I would like your feedback on the attached draft agenda – topics, length, potential speakers, facilitators.

The following sessions/presenters are etched in stone:

- Chet Wayland the first afternoon
- Anna Wood Wednesday morning
- Nancy Seidman Thursday morning

I have preferences for both Trey Glenn (the new EPA regional administrator) and Richard Dunn (the Georgia EPD director) to drop by and speak with the group for 15 minutes at times convenient to their schedules if they are available. Beverly and Karen need to advise me on possibilities for Trey and Richard.

I have not spoken to most of the potential speakers for specific sessions so many parts of the agenda could be moved around to accommodate individual needs.

I have not added a litigation update but if there is a preference for that session and availability from the legal section at Region 4, we can accommodate. There may be other topics of significance upon which you would like some focus. I'm happy to accommodate.

My attempt to get Ford Mobility to talk about transportation of the future and air quality implications was not successful but I'm tentatively planning to spend about 20 minutes on the topic plus Q&A unless the slot is needed for something else.

There are currently as many as six slots for agencies to talk about innovative activities, program assessments, agency history, accomplishments, and other aspects of your programs that would be of interest to other agencies. Please volunteer. I thought the brief time we devoted to similar presentations in the spring was very good. Thanks to Jerry Campbell for volunteering early to show a video and also present some additional information. These agency spotlights are designed to achieve some of the benefit of the roundtable we have had at times on previous agendas without trying to work a full 2-3 hours into the agenda. There could be reduction in the amount of time reserved for these reports, depending on how many new topics or expansions of existing topics may be requested.

I am seeking facilitators to assist with introducing speakers and fielding questions, so please don't hesitate to volunteer ... the services of a colleague (or maybe even yourself.) ☺

Thanks. I look forward to hearing from you. As you know, I'll not be back in the office until September 28 but I'd like your thoughts and suggestions at your earliest opportunity. John.

John E. Hornback

Executive Director

Metro 4/SESARM

205 Corporate Center Dr Ste D

Stockbridge GA 30281-7383

Ex. 6 - Personal Privacy	(office)
	(cell)

To: Clint Woods[cwoods@csg.org]
From: Wood, Anna
Sent: Fri 8/25/2017 11:55:10 AM
Subject: Re: Check-in on Exceptional Events Next Wednesday

All sound good Clint. Please send the agendas when ready. What you suggest for the permitting discussion sounds good. Thank you for the links to the EE information.

Sent from my iPhone

On Aug 25, 2017, at 7:50 AM, Clint Woods <cwoods@csg.org> wrote:

Anna,

Thanks so much - We have a quick call early this afternoon with our leadership to run through the suggested agendas for the Exceptional Events and permitting calls scheduled for August 30, and I will shoot over the proposed agendas to all participants after that. Below is an initial compilation of recent AAPCA member comments on exceptional events issues.

For the permitting call scheduled for 3:00 on the 30th, would it be possible to have EPA provide a quick introduction to interagency permitting efforts, followed by AAPCA member feedback on permitting issues, and then potentially devote a few minutes at the end to the draft Title V fee guidances? I think we will have the right cross-section of air directors and permitting/nsr committee members on the line, and I want to make sure we are taking advantage of everyone's time.

Thanks!

Clint

Agency Comments as Part of U.S. EPA's Regulatory Reform Process

In July 2017, AAPCA released a new report *The State of Regulatory Reform: Navigating State Perspectives on Clean Air Act Regulations Under Executive Order 13777*. The report highlights individual Clean Air Act regulations and themes discussed in state and local agency comments as part U.S. EPA's regulatory reform process.

Several states indicated issues with the Exceptional Events Rule (report, pg. 4):

- Arizona Department of Environmental Quality, Attachment (pg. 2)
- Arkansas Department of Environmental Quality, pg. 7 – 8
- North Carolina Division of Air Quality, pg. 19 – 20
- Utah Division of Air Quality, pg. 3 – 4
- Wyoming Department of Environmental Quality, pg. 6 – 7

Other relevant comments: Clark County Department of Air Quality (NV), pg. 3;
American Association of State Highway and Transportation Officials,
Attachment; Western Governors Association, pg. 13; Association of Air
Pollution Control Agencies, pg. 3

Comments on the Proposed Revisions to the Exceptional Events Rule

AAPCA compiled state and local agency comments on the proposed revision of the Exceptional Events Rule and related draft wildfire guidance, which can be found here. Comments were submitted by 22 state environmental agencies and 10 local air agencies.

State Agency Comments

- ☐ Alaska
- ☐ Arizona
- ☐ Arkansas
- ☐ California
- ☐ Colorado
- ☐ Georgia
- ☐ Iowa
- ☐ Kansas
- ☐ Kentucky
- ☐ Michigan
- ☐ Minnesota
- ☐ Missouri
- ☐ Nevada
- ☐ New Mexico
- ☐ North Carolina

- [██████████ Oklahoma](#)
- [██████████ South Carolina](#)
- [██████████ Texas](#)
- [██████████ Virginia](#)
- [██████████ Washington](#)
- [██████████ Wisconsin](#)
- [██████████ Wyoming](#)

Local Agency Comments

- [██████████ Arizona Department of Environmental Quality, the Maricopa Association of Governments, the Maricopa County Air Quality Department, the Pinal County Air Quality Control District, and the Pima County Department of Environmental Quality](#)
- [██████████ Clark County \(NV\)](#)
- [██████████ Imperial County Air Pollution Control District \(CA\)](#)
- [██████████ Pinal County \(AZ\)](#)
- [██████████ Sacramento Metropolitan Air Quality Management District \(CA\)](#)
- [██████████ San Joaquin Valley Air Pollution Control District \(CA\)](#)
- [██████████ Ventura County Air Pollution Control District \(CA\)](#)
- [██████████ Washoe County \(NV\)](#)

Comments were also filed on the proposed revisions by the following associations:

- [██████████ AAPCA](#)
- [██████████ California Air Pollution Control Officers Association](#)
- [██████████ National Tribal Air Association](#)
- [██████████ WESTAR](#)
- [██████████ Western Governors Association](#)

- American Association of State Highway and Transportation Officials

Agency Comments on Exceptional Events in Feedback on U.S. EPA's Proposed 2015 Ozone NAAQS

In June 2015, AAPCA released the report State Environmental Agency Perspectives on Background Ozone & Regulatory Relief, which included a survey of AAPCA member agency comments on Exceptional Events (pg. 10 – 11):

“EPA should establish clear protocols for reviewing all of the exceptional events documentation packages submitted by states. These protocols should call for EPA to respond to states’ requests for exceptional events determinations as expeditiously as practicable. Given the probabilistic nature of the ozone standard, any such protocol for reviewing exceptional events documentation packages should allow states to request that data be excluded even if those data do not reflect an exceedance of the standard, so long as the circumstances that resulted in the elevated concentrations meet the criteria for an exceptional event.”

– Florida Department of Environmental Protection, pg. 3-4

“GEPD strongly urges EPA to provide additional clarification and guidance for submittal of exceptional event documentation.”

– Georgia Environmental Protection Division, pg. 9

“Exceptional events demonstrations for NAAQS violations resulting from high background ozone concentrations in the rural west will be too lengthy, frequent, and onerous.... The analysis and demonstration for a single stratospheric intrusion exceptional events package would require resources beyond what is currently available. The NDEP’s past experience is that a large portion of the agency’s resources have been consumed by investigating, analyzing and preparing demonstrations for suspected exceptional events, which takes away from the agency’s ability to focus on air quality planning and implementation that would actually provide public health protections.”

– Nevada Division of Environmental Protection, pg. 8-9

“The ‘exceptional event exclusion’ may be useful in rare instances, but demonstrating even a single instance is extremely burdensome and, as previously discussed, the states face uncertainty regarding what is required for an acceptable exceptional events demonstration.”

– Texas Commission on Environmental Quality, p. 34

“DEQ has not been successful in receiving concurrence on the exclusion of any ozone data even though various monitors across the Commonwealth experienced elevated ozone levels throughout these events. The EER places an undue burden on states by requiring a very stringent ‘but for’ demonstration, which goes well beyond the requirements in the Clean Air Act (CAA). . . . Even with longer timeframes, emission inventory development to support these analyses would be prohibited by the resource-intensive nature of such a project.”

– Virginia Department of Environmental Quality, pg. 2

From: Wood, Anna [Wood.Ann@epa.gov]
Sent: Friday, August 25, 2017 7:26 AM
To: Clint Woods
Subject: Check-in on Exceptional Events Next Wednesday

Good morning Clint, hope this email finds you well.

I am checking in to see if AAPCA still plans on sending information about the AAPCA states concerns about EE related issues. We are looking forward to receiving the information if you have it available. We want to make sure we are prepared for a good dialogue on this topic. Thank you and have a great weekend, Anna

Sent from my iPhone

On Aug 24, 2017, at 12:51 PM, Clint Woods <cwoods@csg.org> wrote:

AAPCA Members and 2017 Fall Business Meeting Attendees,

I hope all is well - Thank you for your interest in the Association of Air Pollution Control Agencies' 2017 Fall Business Meeting, to be held September 20 – 22 in Raleigh, North Carolina. This email provides several priority details on the meeting related to AAPCA's hotel block, registration, and the working agenda. One week prior to the meeting, AAPCA will provide all attendees with the final agenda, registration list, and other details and logistics..

●■■■■■■■■■ Location and Transportation. AAPCA's 2017 Fall Business Meeting will be held at the DoubleTree by Hilton Hotel Raleigh - Brownstone – University, located at 1707 Hillsborough Street in Raleigh, North Carolina. There is a limited number of rooms available for the nights of September 19 through 22, so please book your hotel as soon as possible here. Please email cwoods@csg.org if you have a hotel room and are not planning to attend the meeting, or if you have any issues booking a room. Maps, directions,

transportation and other hotel details can be found [here](#). There is no direct shuttle from the airport, but taxis are available (estimated \$32.00); if you drive, parking at the hotel is complimentary. Hotel check-in is at 3:00 PM and check-out is 11:00 AM.

- [Registration](#). If you have not already registered for AAPCA's 2017 Fall Business Meeting, please do so on AAPCA's [website](#) by August 31 to help ensure that we have the correct information for your name tag and other meeting materials. On-site meeting registration will be open Wednesday, September 20, from 10:00 AM – 5:30 PM, and Thursday, September 21. The registration desk will be located in the Washington/Jefferson Room at the hotel. Please stop by so we can welcome you and provide your nametag and meeting packet.

- [Agenda](#). You can find the current working agenda for AAPCA's 2017 Fall Business Meeting [here](#). Electronic copies of all presentations will be available on AAPCA's website (www.cleanairact.org) following the meeting. As a reminder, the topical session on long-term and succession planning and the Opening Reception on Wednesday, September 20 are open to all attendees, as is programming on Thursday, September 21, while the programs on Friday, September 22 is limited to AAPCA members, governmental attendees, and multi-jurisdictional organization personnel. The AAPCA Board of Directors meeting on September 20 is intended for AAPCA Board Members or their proxies, but open to AAPCA Member staff and multi-jurisdictional organization personnel.

- [Attendees](#). AAPCA will be distributing a list of attendees a week prior to the meeting, but nearly 100 participants are currently registered including senior officials from more than two dozen state and local air agencies. Please let jsloan@csg.org know if you would like an attendance certificate from the meeting.

- [Dress](#). Business casual attire is acceptable for all events.

- [Assistance](#). If you have any questions, need assistance, or an emergency arises during the event, please contact one of the AAPCA staff members listed below:

- o Clint Woods, AAPCA Executive Director, cwoods@csg.org, Ex. 6 - Personal Privacy (cell),

- o Jason Sloan, AAPCA Policy & Membership Associate, jsloan@csg.org, Ex. 6 - Personal Privacy (cell),

-

We look forward to seeing you in Raleigh. Please let us know if you have any questions, concerns, or feedback. Thanks!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

Ex. 6 - Personal Privacy – office

cwoods@csg.org

<http://www.cleanairact.org>

<image002.jpg>

To: Burhop, Anna[anna_burhop@americanchemistry.com]
From: Wood, Anna
Sent: Tue 1/10/2017 3:44:45 PM
Subject: RE: Follow-up from ACC's December meeting in RTP
Rules - Guidances - Memoranda Released Since 2010 Related to Implementation of the NAAQS and NSR and Title V Permitting - Revised January 5 2017.docx

Hi Anna, sorry for the delay. Attached is the document I mentioned. I hope you find it useful, thanks and nice to see you all here in RTP. Happy New Year to you as well! Anna

From: Burhop, Anna [mailto:anna_burhop@americanchemistry.com]
Sent: Thursday, January 05, 2017 1:19 PM
To: Wood, Anna <Wood.Anna@epa.gov>
Subject: Follow-up from ACC's December meeting in RTP

Anna,

When we met with you on Dec. 7, you mentioned EPA has a compendium of all the guidance issued by the Agency (or possibly just NAAQS-related, I can't recall). Would you be able to share that with me or point me in the right direction if it's available on your website?

Hope you had a lovely break, and a happy new year –

Anna B.

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Office of Air Quality Planning and Standards

Rules / Guidances / Memoranda Released Since 2010 Related to Implementation of the NAAQS and NSR and Title V Permitting

Revised: January 5, 2017

Date	Title	File
NAAQS Implementation		
NO₂		
2/17/12	Air Quality Designations for the 2010 Primary Nitrogen Dioxide (NO ₂) National Ambient Air Quality Standards (Final – 77 FR 9532; signed 1/20/12)	http://www.gpo.gov/fdsys/pkg/FR-2012-02-17/pdf/2012-3150.pdf
<i>Abstract:</i> This final rule establishes air quality designations for all areas in the United States for the 2010 Primary NO ₂ NAAQS.		
11/24/14	Findings of Failure to Submit a Complete State Implementation Plan for Section 110(a) Pertaining to the 2010 Nitrogen Oxide (NO ₂) Primary National Ambient Air Quality Standard (Final – 79 FR 69769; signed 11/14/14)	http://www.gpo.gov/fdsys/pkg/FR-2014-11-24/pdf/2014-27679.pdf
<i>Abstract:</i> This final rule takes action finding that the District of Columbia and seven states have not submitted complete ISIPs that provide the basic CAA program elements necessary to implement the 2010 NO ₂ primary NAAQS.		
SO₂		
3/24/11	Area Designations for the 2010 Revised Sulfur Dioxide National Ambient Air Quality Standards	http://www3.epa.gov/airquality/sulfurdioxide/pdfs/20110411so2designationsguidance.pdf
<i>Abstract:</i> This memorandum provides information on the schedule and process for designating areas for the purpose of implementing the 2010 revised primary SO ₂ NAAQS.		
11/7/11	Final Response to Petition from New Jersey Regarding SO ₂ Emissions from the Portland Generating Station (Final – 76 FR 6952; signed 10/31/11)	http://www.state.nj.us/dep/baqp/petition/EPA.pdf
<i>Abstract:</i> The EPA is making a finding that the coal-fired Portland Generating Station (Portland), owned and operated by GenOn REMA LLC (GenOn), in Upper Mount Bethel Township, Northampton County, Pennsylvania, is emitting air pollutants in violation of the interstate transport provisions of the CAA. Specifically, the EPA finds that emissions of SO ₂ from Portland significantly contribute to nonattainment and interfere with maintenance of the 1-hour SO ₂ NAAQS in New Jersey. This finding is made in response to a petition submitted by the NJDEP on 9/17/10. In this action, the EPA is establishing emission limitations and compliance schedules to ensure that Portland will eliminate its significant contribution to nonattainment and interference with maintenance of the 1-hour SO ₂		

NAAQS in New Jersey. Compliance with these limits will permit the continued operation of Portland beyond the 3-month limit established by the CAA for sources subject to a contribution finding.

2/6/13 Next Steps for Area Designations and Implementation of the Sulfur Dioxide National Ambient Air Quality Standard <http://www3.epa.gov/airquality/sulfurdioxide/pdfs/20130207SO2StrategyPaper.pdf>

Abstract: This paper describes the EPA's updated strategy for completing initial area designations under the June 2010 1 - hour primary SO₂ NAAQS.

8/5/13 Air Quality Designations for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard (Final – 78 FR 47191; signed 6/25/13) <http://www.gpo.gov/fdsys/pkg/FR-2013-08-05/pdf/2013-18835.pdf>

Abstract: This final rule establishes air quality designations for certain areas in the United States for the 2010 primary SO₂ NAAQS.

4/23/14 Guidance for 1-Hour SO₂ Nonattainment Area SIP Submissions <http://www3.epa.gov/airquality/sulfurdioxide/pdfs/20140423guidance.pdf>

Abstract: The purpose of this memorandum is to distribute a non-binding guidance titled, "Guidance for 1-Hour SO₂ Nonattainment Area SIP Submissions." The document is intended to provide guidance and recommendations to state, local and tribal governments for the development of SIPs and TIPs under the 2010 1-hour primary SO₂ NAAQS.

3/20/15 Updated Guidance for Area Designations for the 2010 Primary Sulfur Dioxide National Ambient Air Quality Standards <http://www3.epa.gov/airquality/sulfurdioxide/pdfs/20150320SO2designations.pdf>

Abstract: This memorandum contains revised guidance for developing updates to state recommendations for initial area designations for the 2010 SO₂ NAAQS in accordance with court-ordered schedule for issuing all initial area designations by December 31, 2020. Includes new recommendations for developing and using modeling results to determine if air quality in a specific area meets or does not meet the NAAQS.

8/21/15 Data Requirements Rule for 1-hr Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard (Final – 80 FR 50152; signed 8/10/15) <http://www.gpo.gov/fdsys/pkg/FR-2015-08-21/pdf/2015-20367.pdf>

Abstract: The final rule directs state and tribal air agencies (air agencies) to provide data to characterize current air quality in areas with large sources of sulfur dioxide (SO₂) emissions to identify maximum 1-hour SO₂ concentrations in ambient air. The final rule establishes minimum criteria for identifying the emissions sources and associated areas for which air agencies are required to characterize SO₂ air quality. Air agencies remain free to also characterize air quality in additional areas beyond those required to be characterized under the rule. The final rule also sets forth a process and timetables by which air agencies must characterize air quality through ambient

monitoring and/or air quality modeling techniques and submit such data to the EPA. The EPA has issued separate non-binding draft technical assistance documents recommending how air agencies should conduct such monitoring or modeling. The air quality data developed by air agencies pursuant to this rule may be used by the EPA in future actions to evaluate areas' air quality under the 2010 1-hour SO₂ National Ambient Air Quality Standard (NAAQS), including area designations and redesignations, as appropriate.

3/18/16 Findings of Failure to Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standards (Final – 81 FR 14736; signed 3/10/16) <https://www.gpo.gov/fdsys/pkg/FR-2016-03-18/pdf/2016-06063.pdf>

4/14/16 Correction Notice (Final – 81 FR 22025; signed 3/8/16) <https://www.gpo.gov/fdsys/pkg/FR-2016-04-14/pdf/2016-08509.pdf>

Abstract: This action finds that several states failed to submit SIPs to satisfy certain nonattainment area planning requirements of the CAA for the 2010 1-hour primary SO₂ NAAQS.

7/12/16 Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standards – Round 2 (Final – 81 FR 45039; signed 6/30/16) <https://www.gpo.gov/fdsys/pkg/FR-2016-07-12/pdf/2016-16348.pdf>

Abstract: This final rule establishes the initial air quality designations for certain areas in the US for the 2010 primary SO₂ NAAQS.

7/22/16 Area Designations for the 2010 Primary Sulfur Dioxide National Ambient Air Quality Standard – Round 3 <https://www.epa.gov/sites/production/files/2016-07/documents/areadesign.pdf>

Abstract: This memorandum provides information on the schedule and process for the area designations for the 2010 primary SO₂ NAAQS that the EPA must complete by a court-ordered deadline of 12/3/17 (Round 3).

Signed 11/29 Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard–Supplement to Round 2 for Four Areas in Texas: Freestone and Anderson Counties, Milam County, Rusk and Panola Counties, and Titus County (Final – to publish 12/13/16; signed 11/29/16) https://www.epa.gov/sites/production/files/2016-11/documents/so2d-deferred_areas_nfr_preamble_11-28-16_final.pdf

Abstract: This rule establishes the initial air quality designations for four areas in Texas for the 2010 primary SO₂ NAAQS. The Environmental Protection Agency (EPA) is designating three of the areas as nonattainment because they do not meet the NAAQS.

PM

4/16/13 Initial Area Designations for the 2012 Revised Primary Annual Fine Particulate National Ambient Air Quality Standards <http://www3.epa.gov/pmdesignations/2012standards/docs/april2013guidance.pdf>

Abstract: This memorandum provides information on the schedule and process for initially designating areas for the purposes of implementing the 2012 revised PM_{2.5} NAAQS.

6/2/14 Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan Provisions for the 97 Fine <http://www.gpo.gov/fdsys/pkg/FR-2014-06-02/pdf/2014-10395.pdf>

Particle (PM _{2.5}) NAAQS and 2006 PM _{2.5} NAAQS (Final – 79 FR 31566; signed 4/25/14)		
<i>Abstract:</i> This final rule identifies the classification under subpart 4 for areas currently designated nonattainment for the 1997 and/or 2006 PM _{2.5} standards, the deadlines for states to submit attainment-related and NNSR SIP elements required for these areas pursuant to subpart 4, and the EPA guidance that is currently available regarding subpart 4 requirements.		
1/15/15	Air Quality Designations for the 2012 Primary Annual Fine Particle (PM _{2.5}) National Ambient Air Quality Standards (NAAQS); Final Rule (Final – 80 FR 2206; signed 12/18/14)	http://www.gpo.gov/fdsys/pkg/FR-2015-01-15/pdf/2015-00021.pdf
<i>Abstract:</i> This final rule establishes air quality designations for most areas in the U.S., including areas of Indian country, for the 2012 primary PM _{2.5} NAAQS.		
4/7/15	Additional Air Quality Designations and Technical Amendment to Correct Inadvertent Error in Air Quality Designations for the 2012 Primary Annual Fine Particle (PM _{2.5}) National Ambient Air Quality Standards (NAAQS) (Final – 80 FR 18535; signed 3/31/15)	http://www.gpo.gov/fdsys/pkg/FR-2015-04-07/pdf/2015-07948.pdf
<i>Abstract:</i> This rule establishes initial area designations for 5 areas that were deferred in the January 18, 2015 notice, and changes the initial designations from ‘nonattainment’ to ‘unclassifiable/attainment’ or ‘unclassifiable’ for 5 areas based on state-submitted early-certified 2014 monitoring data showing that air quality meets the NAAQS. Effective date of designations is April 15, 2015.		
7/29/15	Air Quality Designations for the 2006 24-Hour Fine Particle National Ambient Air Quality Standards (2006 24-hour PM _{2.5} NAAQS), 1997 Annual PM _{2.5} NAAQS, and 1987 Annual Coarse Particle (PM ₁₀) NAAQS; Technical Amendments to Inadvertent Error (Final – 80 FR 45067; signed 7/21/15)	http://www.gpo.gov/fdsys/pkg/FR-2015-07-29/pdf/2015-18532.pdf
<i>Abstract:</i> This final action makes technical amendments to address several minor, inadvertent and nonsubstantive errors in the regulatory text establishing the air quality designations for the 2006 24-hour fine particle (PM _{2.5}) National Ambient Air Quality Standards (NAAQS), 1997 annual PM _{2.5} NAAQS, and 1987 annual coarse particle (PM ₁₀) NAAQS. The states to which these amendments apply are New York and West Virginia.		
3/17/16	Information on the Interstate “Good Neighbor” Provision for the 2012 Fine Particulate Matter National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(1)	https://www3.epa.gov/airquality/particlepollution/pdfs/good-neighbor-memo.pdf
<i>Abstract:</i> This memorandum provides information to the EPA Regional Offices and the states as they develop and review SIPs that address the interstate transport provision of the CAA section 110(a)(2)(D)(i)(1) otherwise known as the “Good Neighbor” provision, as it pertains to the 2012 PM _{2.5} NAAQS.		
8/24/16	Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements; Final Rule (Final – 81 FR 58010;	https://www.gpo.gov/fdsys/pkg/FR-2016-08-24/pdf/2016-18768.pdf

signed 7/29/16)

Abstract: This rule finalizes requirements that state, local and tribal air agencies would have to meet as they implement the current and future NAAQS for PM_{2.5}.

9/6/16 Air Quality Designations for the 2012 Primary Annual Fine Particle (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) for Areas in Georgia and Florida (Final – 81 FR 61136; signed 8/30/16) <https://www.gpo.gov/fdsys/pkg/FR-2016-09-06/pdf/2016-21338.pdf>

Abstract: This rule finalizes establishes air quality designations in the U.S. for the 2012 PM_{2.5} NAAQS for three areas in GA and 62 counties in Florida.

11/17/16 Draft PM_{2.5} Precursor Demonstration Guidance https://www.epa.gov/sites/production/files/2016-11/documents/transmittal_memo_and_draft_pm25_precursor_demo_guidance_11_17_16.pdf

Abstract: This draft guidance reflects the EPA's recommendations to assist air agencies to develop and submit optional PM_{2.5} precursor demonstrations as permitted by the recently finalized PM_{2.5} SIP Requirements Rule (81 FR 58010).

12/16/16 Determinations of Attainment by the Attainment Date, Determinations of Failure to Attain by the Attainment Date and Reclassification for Certain Nonattainment Areas for the 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards (NPRM –81 FR 91088; signed 12/1/16) <https://www.gpo.gov/fdsys/pkg/FR-2016-12-16/pdf/2016-30174.pdf>

Abstract: This NPRM proposes determinations of attainment by the attainment date and determinations of failure to attain by the attainment date for eleven areas currently classified as “Moderate” for the 2006 24-hour PM_{2.5} NAAQS. Specifically, the EPA is proposing to determine that seven areas attained the 2006 24-hour PM_{2.5} NAAQS by 12/31/15, based on complete, quality-assured and certified PM_{2.5} monitoring data for 2013-2015. The EPA is also proposing to determine that four areas failed to attain the 2006 24-hour PM_{2.5} NAAQS by 12/31/15.

Ozone

9/22/11 Implementation of the Ozone National Ambient Air Quality Standard <http://www3.epa.gov/airquality/ozonepollution/pdfs/OzoneMemo9-22-11.pdf>

Abstract: The purpose of this memorandum is to clarify for state and local air agencies the status of the 2008 ozone NAAQS and to outline implementation steps moving forward.

5/21/12 Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards (Final – 77 FR 30088; signed 4/30/13) <http://www.gpo.gov/fdsys/pkg/FR-2012-05-21/pdf/2012-11618.pdf>

Abstract: This rule establishes initial air quality designations for most areas in the United States, including areas of Indian country, for

the 2008 primary and secondary national ambient air quality standards (NAAQS) for ozone.		
5/21/12	Implementation of the 2008 National Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes (Final – 77 FR 30160; signed 4/30/13)	http://www.gpo.gov/fdsys/pkg/FR-2012-05-21/pdf/2012-11605.pdf
<i>Abstract:</i> This final rule establishes air quality thresholds that define the classifications assigned to all nonattainment areas for the 2008 ozone NAAQS which were promulgated on 3/12/08.		
6/11/12	Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards for Several Counties in Illinois, Indiana, and Wisconsin; Correction to Inadvertent Errors in Prior Designations (Final – 77 FR 34221; signed 5/31/12)	http://www.gpo.gov/fdsys/pkg/FR-2012-06-11/pdf/2012-14097.pdf
<i>Abstract:</i> This final rule completes the initial air quality designations for the 2008 primary and secondary NAAQS for ozone.		
1/22/15	Information on the Interstate Transport “Good Neighbor” Provision for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) under Clean Air Act (CAA) Section 110(a)(2)(D)(i)(I)	http://www3.epa.gov/airtransport/GoodNeighborProvision2008NAAQS.pdf
<i>Abstract:</i> This memorandum is to provide information to states regarding SIPs to address the interstate transport “Good Neighbor” Provision of the CAA as it pertains to the 2008 ozone NAAQS.		
3/6/15	Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements; Final Rule (Final – 80 FR12264; signed 2/13/15)	http://www.gpo.gov/fdsys/pkg/FR-2015-03-06/pdf/2015-04012.pdf
<i>Abstract:</i> This final rule establishes a final rule for implementing the 2008 ozone NAAQS that were promulgated on March 12, 2008.		
7/13/15	Findings of Failure to Submit a Section 110 State Implementation Plan for Interstate Transport for the 2008 National Ambient Air Quality Standards for Ozone (Final Rule – 80 FR 3991; Signed 6/30/15)	http://www.gpo.gov/fdsys/pkg/FR-2015-07-13/pdf/2015-16922.pdf
<i>Abstract:</i> This final rule finds that 24 states have failed to submit infrastructure State Implementation Plans (SIPs) to satisfy certain interstate transport requirements of the Clean Air Act (CAA) with respect to the 2008 8-hour ozone national ambient air quality standard (NAAQS). Specifically, these requirements pertain to significant contribution to nonattainment, or interference with maintenance, of the 2008 8-hour ozone NAAQS in other states. These findings of failure to submit establish a 2-year deadline for the EPA to promulgate a Federal Implementation Plan (FIP) to address the interstate transport SIP requirements pertaining to significant contribution to nonattainment and interference with maintenance unless, prior to the EPA promulgating a FIP, the state submits, and the EPA approves, a SIP that meets these requirements.		
8/4/15	Notice of Availability of the Environmental Protection Agency’s Updated Ozone Transport Modeling Data for the 2008 Ozone National Ambient Air Quality Standard (NAAQS) (NOA – 80 FR	http://www.gpo.gov/fdsys/pkg/FR-2015-08-04/pdf/2015-18878.pdf

46271; 7/23/15)

Abstract: This notice provides notice that interstate ozone transport modeling and associated data and methods are available for public review and comment. These data and methods will be used to inform a rulemaking proposal that the EPA is developing and expects to release later this year to address interstate ozone transport for the 2008 ozone NAAQS. This notice also meets the EPA's expressed intent to update the air quality modeling data that were released on 1/22/15, and to share the updated data with states and other stakeholders.

10/1/15 Implementing the 2015 Ozone National Ambient Air Quality Standards <http://www3.epa.gov/ozonepollution/pdfs/20151001memo.pdf>

Abstract: This document highlights many of the issues related to implementing the revised national ozone standards, including policy and technical aspects of implementation that EPA anticipates facing in the coming years. It also outlines actions that the EPA will take and our expectations of our air agency partners.

Abstract: This rule proposes an update to the Cross-State Air Pollution Rule (CSAPR) FIPs for the 2008 ozone National Ambient Air Quality Standards (NAAQS). Starting in 2017, this proposal would reduce summertime nitrogen oxides (NO_x) emissions from power plants in 23 states in the eastern U.S.

2/25/16 Area Designations for the 2015 Ozone National Ambient Air Quality Standards <https://www.gpo.gov/fdsys/pkg/FR-2016-03-01/pdf/2016-04468.pdf>

Abstract: This guidance provides information on the schedule and process for initially designating areas for the purpose of implementing the 2015 primary and secondary ozone NAAQS.

5/4/16 Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas Classified As Marginal for the 2008 Ozone National Ambient Air Quality Standards (Final – 81 FR 26697; Signed 4/11/16) <https://www.gpo.gov/fdsys/pkg/FR-2016-05-04/pdf/2016-09729.pdf>

Abstract: This rule takes final action on three separate and independent types of determinations for each of the 36 areas that are currently classified as “Marginal” for the 2008 ozone NAAQS. First, the EPA is determining that 17 areas attained the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015, based on complete, quality-assured and certified ozone monitoring data for 2012-2014. Second, the EPA is granting 1-year attainment date extensions for eight areas on the basis that the requirements for such extensions under the CAA and the EPA's implementing regulations have been met. Third, the EPA is determining that 11 areas failed to attain the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015, and thus are reclassified by operation of law as “Moderate” for the 2008 ozone NAAQS. States containing any or any portion of these new Moderate areas must submit SIP revisions that meet the statutory and regulatory requirements that apply to 2008 ozone nonattainment areas classified as Moderate by January 1, 2017.

10/28/16 Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS (Final Rule – 81 FR 74504; Signed 9/7/16) <https://www.gpo.gov/fdsys/pkg/FR-2016-10-26/pdf/2016-22240.pdf>

Abstract: The EPA published the original CSAPR on August 8, 2011, to address interstate transport of ozone pollution under the 1997

ozone NAAQS and interstate transport of PM2.5 pollution under the 1997 and 2006 PM2.5 NAAQS. The EPA is finalizing this CSAPR Update to address interstate transport of ozone pollution with respect to the 2008 ozone NAAQS.

11/17/16	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements (NPRM – 81 FR 8127611/2/16; Signed 9/7/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-11-17/pdf/2016-27333.pdf
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Abstract: This action proposes nonattainment classification thresholds and implementation requirements for the strengthened 2015 ozone NAAQS.

Lead

11/22/10	Air Quality Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards (Final – 75 FR 71033; signed 11/16/10)	http://www.gpo.gov/fdsys/pkg/FR-2010-11-22/pdf/2010-29405.pdf
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Abstract: This final rule establishes air quality designations for certain areas in the United States for the 2008 Pb NAAQS.

7/8/11	2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS) Implementation Questions and Answers	http://www3.epa.gov/airquality/lead/pdfs/20110708QAGuidance.pdf
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Abstract: This document addresses issues the EPA has received from the Regional Offices, states and industry. The document provides guidance and additional clarification that will be helpful for the Attainment Demonstration SIPs that were due 6/30/12, for the first round of designations and 6/30/13, for the second round of designations.

11/22/11	Air Quality Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards (Final – 76 FR 72097; signed 11/8/11)	http://www.gpo.gov/fdsys/pkg/FR-2011-11-22/pdf/2011-29460.pdf
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Abstract: This final rule establishes air quality designations for most areas in the United States for the 2008 Pb NAAQS.

3/2012	Implementation of the 2008 Lead National Ambient Air Quality Standards – Guide to Developing Reasonably Available Control Measures (RACM) for Controlling Lead Emissions	http://www3.epa.gov/airquality/lead/pdfs/2012ImplementationGuide.pdf
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Abstract: In order to support the implementation of the 2008 Pb NAAQS, this document contains an analysis of air control measures for the purpose of determining what controls may constitute RACM, including RACT, for controlling lead emissions pursuant to Section 172(c)(1) of the CAA.

8/10/12	Addendum to the 2008 Lead NAAQS Implementation Questions and Answers Signed on July 11, 2011, by Scott Mathias	http://www3.epa.gov/airquality/lead/pdfs/20120810qanda.pdf
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Abstract: Addendum to the 2008 Lead NAAQS Implementation Questions and Answers dated 7/8/11 (above) - signed on July 11, 2011, by Scott Mathias.

1/5/15	National Ambient Air Quality Standards for Lead (NPRM – 80 FR 278; signed 12/19/14)	http://www.gpo.gov/fdsys/pkg/FR-2015-01-05/pdf/2014-30681.pdf
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Abstract: The EPA is proposing to retain the current standards, without revisions.

Modeling/Monitoring

12/21/10	Methods for Measurement of Filterable PM ₁₀ and PM _{2.5} and Measurement of Condensable PM Emissions From Stationary Sources; Final Rule (Final Rule – 75 FR 80118; signed 12/1/10)	http://origin.www.gpo.gov/fdsys/pkg/FR-2010-12-21/pdf/2010-30847.pdf
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Abstract: This final rule promulgates amendments to Methods 201A and 202.

6/2012	Near-Road NO ₂ Monitoring Technical Assistance Document	http://www3.epa.gov/ttnamti1/files/nearroad/NearRoadTAD.pdf
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Abstract: This document is the June 2012 release of the Near-Road NO₂ Monitoring TAD. The TAD was developed to aid state and local air monitoring agencies in the implementation of required near-road NO₂ monitoring stations.

3/14/13	Revision to Ambient Nitrogen Dioxide Monitoring Requirements (Final Rule – 78 FR 16184; signed 3/7/13)	http://www.gpo.gov/fdsys/pkg/FR-2013-03-14/pdf/2013-05939.pdf
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Abstract: This final rule revises the deadlines established in the NAAQS for NO₂ for the near-road component of the NO₂ monitoring network in order to implement a phased deployment approach. This approach will create a series of deadlines that will make the near-road NO₂ network operational between 1/1/14, and 1/1/17. The EPA is also finalizing revisions to the approval authority for annual monitoring network plans for NO₂ monitoring.

12/21/13	Draft SO ₂ Modeling Technical Assistance Document	http://www3.epa.gov/airquality/sulfurdioxide/pdfs/SO2ModelingTAD.pdf
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Abstract: This draft document is provided by the EPA to assist state, local, and tribal air agencies in the characterization of ambient air quality in areas with significant SO₂ emission sources either through ambient monitoring or dispersion modeling as outlined in the expected data requirements rule. Revised January 2014.

12/2013	Draft Source-Oriented SO ₂ Monitoring TAD	http://www3.epa.gov/airquality/sulfurdioxide/pdfs/SO2MonitoringTAD.pdf
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Abstract: The primary purpose of this draft Source-Oriented SO₂ Monitoring TAD is to provide suggestions on how air agencies might appropriately and sufficiently monitor ambient air in proximity to an SO₂ emission source to create ambient monitoring data for comparison to the SO₂ NAAQS. Revised January 2014.

4/16/14	Enhancements, “bug fixes” and other modifications to AERMOD Dispersion Model	http://www3.epa.gov/ttn/scram/models/aermod/AERMOD_MCB10_table.pdf
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Abstract: MCB 10 AERMOD version 14134 changes by change type.

9/30/14	Guidance Memorandum: Clarification on the Use of AERMOD Dispersion Modeling for Demonstrating Compliance with the NO ₂ National Ambient Air Quality Standard	http://www3.epa.gov/scram001/guidance/clarification/NO2_Clarification_Memo-20140930.pdf
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Abstract: This guidance addresses NSR/PSD modeling compliance demonstrations for NO₂ NAAQS and the approval and use of the

new Tier 2 Ambient Ratio Method 2 (ARM2) and various aspects of the application of the Tier 3 approaches of OLM and PVMRM.		
12/3/14	Draft Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, PM _{2.5} , and Regional Haze	http://www3.epa.gov/ttn/scram/guidance/guidance/Draft_O3-PM-RH_Modeling_Guidance-2014.pdf
<i>Abstract:</i> The EPA is providing a draft revised version of Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, PM _{2.5} and Regional Haze to the state and local agencies as well as the public for consideration review and comment. Comments are due 3/13/15.		
7/29/15	Revision to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches To Address Ozone and Fine Particulate Matter; Proposed Rule	http://www.gpo.gov/fdsys/pkg/FR-2015-07-29/pdf/2015-18075.pdf
<i>Abstract:</i> This proposal proposes to revise the <i>Guideline on Air Quality Models</i> (“ <i>Guideline</i> ”). The <i>Guideline</i> has been incorporated into EPA’s regulations, satisfying a requirement under the CAA section 165(e)(3) for the EPA to specify, with reasonable particularity models to be used in the PSD program.		
PSD, NNSR and Title V Permitting		
3/23/10	Modeling Procedures for Demonstrating Compliance with PM _{2.5} NAAQS	http://www2.epa.gov/sites/production/files/2015-07/documents/pm25memo.pdf
<i>Abstract:</i> This memorandum addresses the need for recommendations regarding appropriate dispersion modeling procedures which can be used to demonstrate compliance with PM _{2.5} NAAQS.		
04/01/10	Applicability of the Federal Prevention of Significant Deterioration Permit Requirements to New and Revised National Ambient Air Quality Standards	http://cdn.ca9.uscourts.gov/datastore/library/2014/09/10/Sierra_Ambient.pdf
<i>Abstract:</i> This memorandum responds to inquiries that the EPA received from parties who are currently developing or reviewing applications for PSD permits under the CAA requesting that the OAR provide guidance on the applicability of PSD permitting requirements to a newly promulgated or revised NAAQS or standards.		
6/29/10	Guidance Concerning the Implementation of the 1-hour NO ₂ NAAQS for the Prevention of Significant Deterioration Program	http://www.co.shasta.ca.us/docs/Resource_Management/spi-feir/1_Exhibit_D.pdf?sfvrsn=0
<i>Abstract:</i> This memorandum clarifies the applicability of current guidance in the Guideline on Air Quality Models for modeling NO ₂ impacts in accordance with the PSD permit requirements to demonstrate compliance with the new 1-hour NO ₂ standard. This guidance includes two attached memoranda addressing both guidance for the preparation and review of PSD permits with respect to the 1-hour standard and specific modeling guidance for estimating ambient NO ₂ concentrations and determining compliance with the new 1-hour NO ₂ standard.		

11/10/10	PSD and Title V Permitting Guidance for Greenhouse Gases (Technical correction issued 3/2011)	http://www3.epa.gov/nsr/ghgdocs/ghgpermittimgguidance.pdf
<i>Abstract:</i> This document assists permit writers and permit applicants in addressing the prevention of significant deterioration (PSD) and title V permitting requirements for greenhouse gases (GHGs) that began to apply on January 2, 2011. This document: (1) describes, in general terms and through examples, the requirements of the PSD and title V permit regulations; (2) reiterates and emphasizes relevant past EPA guidance on the PSD and title V review processes for other regulated air pollutants; and (3) provides additional recommendations and suggested methods for meeting the permitting requirements for GHGs, which are illustrated in many cases by examples.		
3/1/11	Additional Clarification Regarding Applicability of Appendix W Modeling Guidance for the 1-hour NO ₂ NAAQS	http://www3.epa.gov/scram001/guidance/clarification/Additional_Clarifications_Appendix_W_Hourly-NO2-NAAQS_FINAL_03-01-2011.pdf
<i>Abstract:</i> This memorandum supplements the 6/28/10 guidance memo by providing further clarification and guidance on the application of Appendix W guidance for the 1-hour NO ₂ standard. The memo itself referenced a 6/29/10 guidance memo in error.		
4/11/11	Clarification on AERSCREEN as recommended screening model	http://www3.epa.gov/scram001/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf
<i>Abstract:</i> AERSCREEN has been released and is available on the SCRAM website. AERSCREEN is based on AERMOD, EPA's preferred near-field dispersion model and replaces SCREEN3 as the recommended screening model based on the <i>Guideline on Air Quality Models</i> .		
7/21/11	Revised Policy to Address Reconsideration of Inter-pollutant Trading Provisions for Fine Particles (PM _{2.5})	http://www3.epa.gov/scram001/guidance/clarification/pm25trade.pdf
<i>Abstract:</i> The purpose of this memorandum is to announce a change in the policy that the EPA originally set forth in the 2008 PM _{2.5} NSR Implementations Rule (the 2008 final rule) concerning the development and adoption of interpollutant trading (offset) provisions for PM _{2.5} under state NNSR programs for PM _{2.5} .		
10/15/12	Timely Processing of Prevention of Significant Deterioration (PSD) Permits when EPA or a PSD-Delegated Air Agency Issues the Permit	http://www2.epa.gov/sites/production/files/2015-07/documents/timely.pdf
<i>Abstract:</i> This memorandum clarifies expectations and responsibilities regarding the processing of PSD permit applications when an EPA Regional Office or a PSD-delegated air agency issues the PSD permit.		
4/17/13	Minor New Source Review Program Public Notice Requirements under 40 CFR 51.161(b)(3)	http://www2.epa.gov/sites/production/files/2015-07/documents/pubnot.pdf

Abstract: The purpose of this memorandum is to clarify the Agency’s position on what constitutes prominent advertisement for minor sources under our permitting regulations at 40 CFR 51.161.

3/8/13	Use of ASOS Meteorological Data in AERMOD Dispersion Modeling	http://www3.epa.gov/scram001/guidance/clarification/20130308_Met_Data_Clarification.pdf
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Abstract: The purpose of this memorandum is to provide some background information related to the transition to ASOS and to address more recent developments and potential issues associated with the use of NWS meteorological data for dispersion modeling.

12/9/13	Prevention of Significant Deterioration for Particulate Matter Less Than 2.5 Micrometers – Significant Impact Levels and Significant Monitoring Concentration: Removal of Vacated Elements (Final Rule - 78 FR 73698; signed 11/26/13)	http://www.gpo.gov/fdsys/pkg/FR-2013-12-09/pdf/2013-29196.pdf
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Abstract: On 1/22/13, the United States Court of Appeals for the District of Columbia Circuit (the Court) granted a request from the EPA to vacate and remand to the EPA portions of two PSD regulations, promulgated in 2010 under the authority of the CAA, regarding the SILs for PM_{2.5}. The Court further vacated the portions of the PSD regulations establishing a PM_{2.5} SMC. The EPA amended its regulations to remove the vacated PM_{2.5} SILs and SMC provisions from the PSD regulations in the CFR. This action was exempt from notice-and-comment rulemaking because it is ministerial in nature. The EPA will initiate a separate rulemaking in the future regarding the PM_{2.5} SILs that will address the Court’s remand. The final rule was effective on 12/9/13.

12/16/13	AERMOD Modeling System Updates: Improvements to beta “Low wind Speed” options, updated NO ₂ tier 2 Ambient Ratio Method, added directionally varying monitored background concentrations capability, and other bug fixes.	http://www3.epa.gov/ttn/scram/models/aermod/aermod_mcb9.txt
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Abstract: Model change Bulleting (MCB) #9 documents and describes changes made to the AERMOD Dispersion Model.

1/31/14	Guidance on Extension of Prevention of Significant Determination (PSD) Permits under 40 CFR 52.21(r)(2)	http://www2.epa.gov/sites/production/files/2015-07/documents/extend14.pdf
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Abstract: The purpose of this memorandum is to clarify the EPA’s views on what constitutes adequate justification for an extension of the 18-month timeframe for commencing construction of a source that has been granted a preconstruction permit under the PSD provisions of part C of title I of the CAA.

4/8/14	Interim Guidance on the Treatment of Condensable Particulate Matter Test Results in the Prevention of Significant Deterioration and Nonattainment New Source Review Permitting Programs	http://www3.epa.gov/ttnemc01/methods/psdns_rinterimcmpmemo4814.pdf
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Abstract: This memorandum provides interim guidance on the treatment of CPM under the EPA’s NSR permit programs for PM.

4/30/14	Implementation Guidance on Annual Compliance Certification Reporting and Statement of Basis Requirements for Title V Operating Permits	http://www3.epa.gov/air/tribal/pdfs/Memo_OAR_14_000_8602_Guidance%20on%20Annual%20Compliance%20Cert.%20Reporting%20
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Abstract: This memorandum and attachments provide guidance on satisfying the CAA title V annual compliance certification reporting and statement of basis requirements. It addresses two outstanding recommendations made by the OIG in the report titled, "Substantial Changes Needed in Implementation and Oversight of Title V Permits if Program Goals are to be Fully Realized," (OIG Report No. 2005-P-00010).

5/20/14 Guidance for PM_{2.5} Permit Modeling http://www3.epa.gov/scram001/guidance/guide/Guidance_for_PM25_Permit_Modeling.pdf

Abstract: This memorandum and attachment, titled "Guidance for PM_{2.5} Permit Modeling," provides guidance on demonstrating compliance with PM_{2.5} NAAQS and PSD increments, especially with regard to considerations of the secondarily formed component of PM_{2.5}.

7/24/14 Next Steps and Preliminary Views on the Application of Clean Air Act Permitting Programs to Greenhouse Gases Following the Supreme Court's Decision in *Utility Air Regulatory Group v. Environmental Protection Agency* <http://www3.epa.gov/nsr/documents/20140724memo.pdf>

Abstract: This memorandum provides guidance on how we interpret the *UARG v EPA* Supreme Court decision, especially with regard to the portion of the PSD and title V GHG permitting regulations that the Supreme Court determined was no longer required.

9/29/14 Amendments to Compliance Certification Content Requirements for State and Federal Operating Permits Programs (Final – 79 FR 43661; signed 7/21/14) <http://www.gpo.gov/fdsys/pkg/FR-2014-07-28/pdf/2014-17680.pdf>

Abstract: This final rule amends the compliance certification provisions to restore a sentence removed by error in a previous amendment. The June 27, 2003, final rule that amended the Compliance Certification Requirements language inadvertently omitted a sentence.

12/19/14 Next Steps for Addressing EPA-Issued Step 2 Prevention of Significant Deterioration Greenhouse Gas Permits and Associated Requirements http://www3.epa.gov/nsr/ghgdocs/Step2PermitRescissionMemoFinal_12-19-14.pdf#_ga=1.59215274.68043026.1426172912

Abstract: This memorandum addresses questions from the regional office on how to proceed on PSD permits issued by the EPA under Step 2 of the Tailoring Rule after the U.S. Supreme Court decision in *UARG v. EPA* [134 S. Ct. 2427 (2014)] and other questions related to Step 2 PSD permits issued by the EPA.

12/19/14 No Action Assurance Regarding EPA-Issued Step 2 Prevention of Significant Deterioration Permits and Related Title V Requirements Following *Utility Air Regulatory Group v. Environmental Protection Agency* <http://www2.epa.gov/sites/production/files/2014-12/documents/oecanaamemo-121914.pdf>

<p><i>Abstract:</i> This memorandum provided further information on how EPA intends to proceed regarding EPA-issued Step 2 PSD permits and intention to undertake a rulemaking action that will allow the agency to rescind any Step 2 PSD permits that it issued under the regulations the Supreme Court held to be invalid.</p>		
5/7/2015	Prevention of Significant Deterioration Permitting for Greenhouse Gases; Providing Option for Rescission of EPA-Issued Tailoring Rule Step 2 Prevention of Significant Deterioration Permits (Direct Final – 80 FR 26183; Parallel Proposal – 80 FR 26210; signed 4/30/15)	http://www.gpo.gov/fdsys/pkg/FR-2015-05-07/pdf/2015-10628.pdf http://www.gpo.gov/fdsys/pkg/FR-2015-05-07/pdf/2015-10629.pdf
<p><i>Abstract:</i> This direct final with parallel proposal amends the federal PSD program regulations to allow for rescission of certain PSD permits issued by the EPA and delegated reviewing authorities under Step 2 of the PSD and title V Greenhouse Gas Tailoring Rule. No adverse comments were received on the proposal so the final becomes effective 7/6/15.</p>		
5/13/2015	Title V Permit Guidance and Template for the Cross-State Air Pollution Rule	http://www3.epa.gov/crossstaterule/pdfs/CSA-PR-Title-V-Permit-Guidance.pdf
<p><i>Abstract:</i> This memorandum transmitted title V guidance, which includes a template, for the incorporation of the CSAPR applicable requirements into title V permits. Issuance of this guidance is consistent with the EPA's statements in the CSAPR preamble to assist permitting authorities in implementing CSAPR applicable requirements.</p>		
8/19/15	Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Certain Vacated Elements (Final – 80 FR 50199; signed 8/12/15)	http://www.gpo.gov/fdsys/pkg/FR-2015-08-19/pdf/2015-20501.pdf
<p><i>Abstract:</i> This final rule amends its PSD and title V regulations to remove from the CFR portions of those regulations that were initially promulgated in 2010 and that the D.C. Circuit specifically identified as vacated in the 4/10/15, amended judgment, <i>Coalition for Responsible Regulation v. EPA</i>.</p>		
6/3/16	Source Determination for Certain Emission Units in the Oil and Natural Gas Sector (Final – 81 FR 35622; signed 5/12/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11971.pdf
<p><i>Abstract:</i> This final finalizes a revision to regulations applicable to permitting of stationary sources of air pollution under the NSR and title V programs in the CAA.</p>		
6/14/16	Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program (NPRM – 81 FR 38645; signed 6/3/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-06-14/pdf/2016-14104.pdf
<p><i>Abstract:</i> This NPRM proposes to remove the affirmative defense provisions for emergencies found in the regulations for state and federal operating permit programs.</p>		
8/3/16	Amendments to Regional Consistency Regulations (Final – 81 FR 51102; signed 7/21/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-08-03/pdf/2016-17899.pdf


Abstract: This final rule revises its Regional Consistency regulations to more clearly address the implications of adverse federal court decisions that result from challenges to locally or regionally applicable actions.

8/24/16	Revisions to the Petitions Provisions of the Title V Permitting Program (NPRM – 81 FR 57822; signed 8/15/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-08-24/pdf/2016-20029.pdf
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Abstract: This NPRM proposes to revise its regulations to streamline and clarify process related to submission and review of title V petitions.

10/18/16	Revisions to the Public Notice Provisions in Clean Air Act Permitting Programs (Final – 81 FR 71613; signed 10/5/16)	https://www.epa.gov/sites/production/files/2016-10/documents/enotice_rule_final.pdf
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Abstract: This final revised the public notice rule provisions for the NSR, title V and OCS permit programs of the CAA and COA.


10/24/16	Clean Air Act Section 185 Fee Rates for Calendar Years 1990 – 2016	 10-24-16 Clean Air Act Section 185 Fee Rates for Calendar years 1990 - 2016.pdf
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Abstract: This memo provide CAA section 185 penalty fee rates for each year from 1990 to 2016.

11/7/16	Rescission of Preconstruction Permits Issued Under the Clean Air Act (Final – 81 FR 78043; signed 10/26/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-11-07/pdf/2016-26593.pdf
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Abstract: This final promulgates amendments to the federal PSD regulations to remove a date restriction from the Permit Rescission provision.

Other/Combination of Pollutants

8/23/10	Documentation of Future Year Ozone and Annual PM _{2.5} Design Values for Monitors in Western States	 Timin Memo (2).pdf
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Abstract: The purpose of the memo is to provide projected future ozone and annual PM_{2.5} design values for monitors in the Western United States based on the air quality modeling in support of EPA's proposed CSAPR. The memo describes how the projected design values can be used to establish which monitors should be further evaluated to determine if emissions from other states will significantly contribute to nonattainment or interfere with maintenance at the sites.

12/20/11	Policy for Establishing Separate Air Quality Designations for Areas of Indian Country	http://www3.epa.gov/airquality/ozonepollution/designations/2008standards/documents/20120117indiancountry.pdf
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Abstract: This memorandum provides the EPA's policy regarding designating areas of Indian country separately from adjacent areas for the NAAQS.

12/20/11	Guidance to Regions for Working with Tribes during the National	http://www3.epa.gov/airquality/ozonepollutio
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Ambient Air Quality Standards (NAAQS) Designations Process		n/designations/2008standards/documents/20120117naaqsguidance.pdf
<i>Abstract</i> This memorandum provides guidance to the EPA Regional Offices for working with federally-recognized Indian tribes regarding the CAA section 107(d) designations process for Indian country.		
6/7/12	Regional Haze: Revisions to Provisions Governing Alternatives to Source-Specific Best Available Retrofit Technology (BART) Determinations, Limited SIP Disapprovals, and Federal Implementation Plans	http://www.gpo.gov/fdsys/pkg/FR-2012-06-07/pdf/2012-13693.pdf
<i>Abstract:</i> The EPA is finalizing revisions to our rules pertaining to the regional haze program.		
10/2012	Agriculture Air Quality Conservation Measures Reference Guide for Cropping Systems and General Land Management	http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1049502.pdf
<i>Abstract:</i> The EPA and the USDA-NRCS have collaborated to develop this reference guide to provide a compilation of conservation measures for air pollutant emission reductions and/or reduction of air quality impacts from agricultural land management and cropping operations.		
4/2013	General Principles for the 5-Year Regional Haze Progress Reports for the Initial Regional Haze State Implementation Plans (Intended to Assist States and EPA Regional Offices in Development and Review of the Progress Reports)	http://www.4cleanair.org/Documents/haze_5year_4-10-13.pdf
<i>Abstract:</i> This document has been developed by the EPA for the EPA Regional Offices and states in preparing and reviewing the 5-year progress reports for the initial regional haze SIPs.		
5/10/13	Interim Guidance to Implement Requirements for the Treatment of Air Quality Monitoring Data Influenced by Exceptional Events	http://www.epa.gov/air-quality-analysis/interim-exceptional-events-guidance-documents
<i>Abstract:</i> This memorandum and its attachments clarify key provisions of the 2007 EER to respond to questions and issues that have arisen since the rule was promulgated.		
9/13/13	Guidance on Infrastructure State Implementation Plan (SIP) Elements Under CAA Sections 110(a)(1) and 110(a)(2)	http://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf
<i>Abstract:</i> The purpose of this memorandum is to distribute non-binding guidance from the US EPA on the requirements of certain provisions of the CAA titled, "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)."		

12/2013	Examples of Reviewed Exceptional Events Submissions	http://www.epa.gov/air-quality-analysis/exceptional-events-submissions-table
<i>Abstract:</i> The exceptional events submission table provides examples of exceptional events submissions, or the decision documents responding to the demonstrations, for various cases of exceptional events that have been reviewed by EPA.		
6/9/14	Withdrawal of the Prior Determination or Presumption That Compliance With the CAIR or the NO _x SIP Call Constitutes RACT or RACM for the 1997 8-Hour Ozone and 1997 Fine Particle NAAQS (Proposal – 79 FR 32892; signed 5/29/14)	https://www.cfr-ebooks.com/register/2014/jun/09/2014-13415.pdf
<i>Abstract:</i> The EPA is proposing to withdraw any prior determination or presumption, for the 1997 8-hour ozone NAAQS and the 1997 PM _{2.5} NAAQS, that compliance with the CAIR or the NO _x SIP Call automatically constitutes RACT or RACM for NO _x or SO ₂ emission from EGU sources participating in these regional cap-and-trade programs.		
11/19/14	Addressing Biogenic Carbon Dioxide Emissions from Stationary Sources	http://www3.epa.gov/climatechange/downloads/Biogenic-CO2-Emissions-Memo-111914.pdf
<i>Abstract:</i> The Agency is taking the next step in the development of ongoing technical work it has been doing in understanding the role biomass can play in reducing overall greenhouse gas emissions. The EPA has developed a second draft of the <i>Framework/or Assessing Biogenic CO₂ Emissions from Stationary Sources</i> , and is preparing to release it for further review. The EPA also anticipates near-term decision-making pertaining to biogenic CO ₂ emissions in the context of both the CPP and the PSD program. EAs you know, the EPA also anticipates near-term decision-making pertaining to biogenic CO ₂ emissions in the context of both the CPP and the PSD program. As a result, we expect that many states and stakeholders will look to the second draft of the Framework for indications of how the Agency will treat biogenic CO ₂ emissions under both the CPP and the PSD program going forward. In addition to advising you of the release of the revised Framework, this memo also describes below OAR's current thinking with respect to those two programs and their treatment of biogenic CO ₂ emissions. The EPA expects that many states and stakeholders will look to the second draft of the Framework for indications of how the Agency will treat biogenic CO ₂ emissions under both the CPP and the PSD program going forward. This memo also describes below OAR's current thinking with respect to those two programs and their treatment of biogenic CO ₂ emissions.		
12/2014	Exceptional Events Quick Reference Guide	http://www.epa.gov/air-quality-analysis/exceptional-events-requirements-reference-guide
<i>Abstract:</i> The quick reference guide table contains links to information for use in preparing exceptional events demonstrations. Each link points to a specific area in guidance documents, example approved demonstrations or other relevant tools categorized by rule element, event type and pollutant.		
2/10/15	Revisions to the Clean Air Act Section 110 Submission Requirements for State Implementation Plans and Notice of Availability of an Option for Electronic Reporting (Final – 80 FR 7336; signed 2/2/15)	http://www.gpo.gov/fdsys/pkg/FR-2015-02-10/pdf/2015-02602.pdf

<p><i>Abstract:</i> This final rule and notice of availability revises the requirements for how state and tribal implementation plans under the CAA are required to be submitted to the EPA.</p>		
6/12/15	State Implementation Plan: Response to Petition for Rulemaking Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction; Final Rule (Final – 80 FR 33840; signed 5/22/15)	http://www.gpo.gov/fdsys/pkg/FR-2015-06-12/pdf/2015-12905.pdf
<p><i>Abstract:</i> This final rule takes action on a petition for rulemaking filed by the Sierra Club that concerns how provisions in EPA-approved SIPs treat excess emissions during SSM. Further EPA is clarifying, restating and revising its guidance concerning its interpretation of the CAA requirements with respect to treatment in SIPs of excess emissions that occur during periods of SSM.</p>		
8/19/15	Amendments to Regional Consistency Regulations (NPRM – 80 FR 50250; signed 8/5/15)	http://www.gpo.gov/fdsys/pkg/FR-2015-08-19/pdf/2015-20506.pdf
<p><i>Abstract:</i> This proposal proposes to revise its Regional Consistency regulations to ensure the EPA has the flexibility necessary to implement CAA programs on a national scale while addressing court rulings that concern certain agency actions under the CAA.</p>		
9/2015	Best Communication Practices for Preparation of Exceptional Events Demonstrations	http://www.epa.gov/sites/production/files/2015-09/documents/bestpractices-exceptionaleventdemonstrationsjuly242015.pdf
<p><i>Abstract:</i> This document summarizes the best practices for communication and collaboration between the EPA and air agencies during the identification of exceptional events and the development, submittal and review of exceptional events demonstrations.</p>		
10/22/15	Initial Clean Power Plan Submittals under Section 111(d) of the Clean Air Act	http://www3.epa.gov/airquality/cpptoolbox/cpp-initial-subm-memo.pdf
<p><i>Abstract:</i> This memorandum provides assistance and information to states interested in seeking an extension of time in which to develop and submit a final plan under section 111(d) of the CAA.</p>		
11/20/15	Treatment of Data Influenced by Exceptional Events – Rule Revisions and Notice of Availability for Related Draft Guidance (NPRM – 80 FR 72840; signed 11/10/15)	http://www2.epa.gov/air-quality-analysis/proposed-exceptional-events-rule-revisions-and-draft-guidance-0

5/4/16	Protection of Visibility: Amendments to Requirements for State Plans (NPRM – 81 FR 26942; signed 4/25/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-05-04/pdf/2016-10228.pdf
7/1/16	Comment Period Extension (Notice – 81 FR 43180; signed 6/24/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-07-01/pdf/2016-15493.pdf
<p><i>Abstract:</i> The EPA proposed amendments to requirements under the CAA for state plans for protection of visibility in mandatory Class I federal areas (Class I areas) in order to continue steady environmental progress while addressing administrative aspects of the program. The EPA amendments would clarify the relationship between longterm strategies and reasonable progress goals in state plans, and the long-term strategy obligation of all states. The amendments would also change the way in which some days during each year are to be selected for purposes of tracking progress towards natural visibility conditions to account for events such as wildfires; change aspects of the requirements for the content of progress reports; update, simplify and extend to all states the provisions for reasonably attributable visibility impairment and revoke existing FIPs that require the EPA to assess and address any existing reasonably attributable visibility impairment situations in some states; and add a requirement for states to consult with FLMs earlier in the development of state plans. The EPA also proposes to address administrative aspects of the program by making a one-time adjustment to the due date for the next SIPs, revising the due dates for progress reports and removing the requirement for progress reports to be SIP revisions.</p>		
7/8/16	Draft Guidance on Progress Tracking Metrics, Long-Term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period (NOA – 81 FR 44608; signed 6/30/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-07-08/pdf/2016-16131.pdf https://www.epa.gov/sites/production/files/2016-07/documents/draft_regional_haze_guidance_july_2016.pdf
<p>Abstract: Announcement of availability of draft guidance titled, “Draft Guidance on Progress Tracking Metrics, Long-Term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period,” for public comment.</p>		
9/16/16	Guidance on the Preparation of Exceptional Events Demonstrations for Wildfire Events that May Influence Ozone Concentrations (Signed by Steve Page 9/16/16)	https://www.epa.gov/sites/production/files/2016-09/documents/exceptional_events_guidance_9-16-16_final.pdf
<p><i>Abstract:</i> The purpose of this guidance is to assist air agencies preparing exceptional events demonstrations for wildfire influences on ozone concentrations that meet the requirements of CAA section 319(b) and the Exceptional Events Rule published on 10/3/16.</p>		
10/3/16	Treatment of Data Influenced in Exceptional Events (Final – 81 FR 68216; signed 9/16/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-10-03/pdf/2016-22983.pdf
<p><i>Abstract:</i> This final rule revises certain sections within the regulations that govern the exclusion of event-influenced air quality data from certain regulatory decisions under the CAA.</p>		

10/3/16	Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS (Final – 81 FR68110; signed 9/7/16)	https://www.gpo.gov/fdsys/pkg/FR-2016-10-03/pdf/2016-21475.pdf
<i>Abstract:</i> This final rule finalizes Cross-State Air Pollution Rule Update (CSAPR Update) to address interstate transport of ozone pollution with respect to the 2008 ozone NAAQS. This final rule will benefit human health and welfare by reducing ground-level ozone pollution. It will reduce ozone season emissions of NOx in 22 eastern states that be transported downwind as NOx or, after transformation in the atmosphere, as ozone, and can negatively affect air quality and public health in downwind areas.		
10/20/16	Implementing Reasonably Available Control Technology Requirements for Sources Covered by the 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry (Signed by Anna Marie Wood 10/20/16)	https://www.epa.gov/sites/production/files/2016-10/documents/implementing_reasonably_available_control_technology_requirements_for_sources_covered_by_the_2016_control_techniques_guidelines_for_the_oil_and_natural_gas_industry.pdf
<i>Abstract:</i> This memo provides information and guidance on SIP revisions resulting from the newly-issued CTG document for the Oil and Natural Gas Industry.		
Signed 12/14/16	Protection of Visibility: Amendments to Regulatory Requirements for State Plans (Final – to publish 1/10/17; 82 FR ____; signed 12/14/16)	https://www.epa.gov/sites/production/files/2016-12/documents/regional_haze_2060-as55_final_preamblerule_final_12-14-16_disclaimer_0.pdf
<i>Abstract:</i> This final rule revises the requirements for SIPs and progress reports for regional haze for the second and future implementation periods.		

To: Nancy Kruger[nkruger@4cleanair.org]
Cc: Weber, Rebecca[Weber.Rebecca@epa.gov]; Amy Bhesania[Bhesania.Amy@epa.gov]; vera kornylak[kornylak.vera@epa.gov]
From: Wood, Anna
Sent: Mon 12/12/2016 10:25:47 PM
Subject: FW: NACAA/ECOS/EPA SIP Reform Workgroup Mtg Electronic Document Package
[NACAA ECOS Commitment Letter.docx](#)
[FCAP Final Report Dec 2016.docx](#)
[NACAA Draft agenda for annual NACAA mtg final120916.docx](#)
[Rules - Guidances - Memoranda Released Since 2010 Related to Implementation of the NAAQS and NSR and Title V Permitting - Revised December 9 2016.docx](#)
[NACAA-ECOS-EPA SIP Reform annual call 121216.pptx](#)

Hi Nancy, attached to this email are the materials for our discussion on Thursday. The materials include the following:

- Agenda for our meeting on Thursday
- Slides for use during meeting on Thursday
- Copy of the NACAA/ECOS/EPA SIP Backlog Commitment Document
- 2012 PM 2.5 final Full Cycle Analysis Project (FCAP) Report
- Updated (as of December 9, 2016) compendium of Rules / Guidances / Memoranda Released Since 2010 Related to Implementation of the NAAQS and NSR and Title V Permitting

We look forward to our discussion on Thursday. I plan to participate in person and will be at your office shortly before the call begins. See you soon, Anna

To: Banister, Beverly[Banister.Beverly@epa.gov]
Cc: hornback@metro4-sesarm.org[hornback@metro4-sesarm.org]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Benjamin, Lynorae[benjamin.lynorae@epa.gov]; Davis, Scott[Davis.ScottR@epa.gov]; Worley, Gregg[Worley.Gregg@epa.gov]
From: Wood, Anna
Sent: Tue 11/15/2016 12:24:38 PM
Subject: Re: A couple of follow-up items from the SESARM meeting

Thank you and your team. I so appreciate how well R 4 works with your states and are truly connected to what is on their minds. It was great seeing you all and getting a chance to connect as well. We have several more action items we owe you guys (including sorting out the transport issue and SO2 averaging issue with KY). One I get through my notes I'll send you a list and we will get some time scheduled soon as we discussed to discuss KY transport.

Thanks again, Anna

Sent from my iPhone

On Nov 15, 2016, at 7:19 AM, Banister, Beverly <Banister.Beverly@epa.gov> wrote:

Thanks Anna for the follow up. It was great having you join us at the meeting.
Beverly
Sent from my iPhone

On Nov 14, 2016, at 6:08 PM, Wood, Anna <Wood.Anna@epa.gov> wrote:

Hi John, hope this email finds you well. Great to see you last week at the SESARM meeting. I wanted to follow-up on a couple of things that came up during our discussions last week. These include information about the upcoming Exceptional Events Workshop in Dallas on November 30th and also providing you with a link to the designation recommendations we received from air agencies for the 2015 Ozone NAAQS.

We do hope more of the SESARM states will participate in the upcoming EE workshop. Attached is the list of attendees thus far and a draft agenda for the workshop. It is not too late to register for the workshop. If anyone would like to register they should contact Liz Etchells at Etchells.elizabeth@epa.gov.

I will also be talking with my folks and Region 4 about possible webinar on multistate EE demonstration submittals, so please stay tuned for additional information on this topic.

Here's the link to the ozone designations website for 2015 NAAQS.

<https://www.epa.gov/ozone-designations>

How to get to the recommendations:

- Click on "Regulatory Actions" link. It's in the middle box titled, "Regulatory Actions and Guidance for the 2015 Ozone Designations."
- You'll then be at the page "Ozone Designations Regulatory Actions." From this page you can link to recommendations from states or tribes.

We still owe you some information about SO₂ designations for Round 3 which we are working on and will work with Region 4 to provide that information. If there is anything else on your list please let me know and I will be reviewing my notes from the meeting to make sure I did not miss anything. Thanks again for having me, it was good to see everyone. Anna

Anna Marie Wood

Director, Air Quality Policy Division

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<ExEvents Implementation Workshops_Dallas_Nov 30 2016.xlsx>

<EPA Exceptional Events Implementation Workshop_draft agenda.docx>